

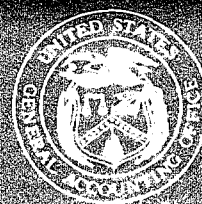
Fact Sheet for Congressional
Requesters

GAO

November 1991

WETLANDS OVERVIEW

Federal and State Policies, Legislation, and Programs



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United States
General Accounting Office
Washington, D.C. 20548

Resources, Community, and
Economic Development Division

B-246559

November 22, 1991

The Honorable Mike Synar
Chairman
The Honorable William F. Clinger, Jr.
Ranking Minority Member
Environment, Energy, and Natural
Resources Subcommittee
Committee on Government Operations
House of Representatives

The Honorable Bob Wise
Chairman
Government Information, Justice,
and Agriculture Subcommittee
Committee on Government Operations
House of Representatives

The Honorable John Cox, Jr.
House of Representatives

This fact sheet responds to your April 29, 1991, request for an overview of federal and state wetlands-related policies, legislation, and programs. Your request was based on your concern about the confusion that now exists among those who must comply with various wetlands-related laws and regulations and among policymakers who must oversee wetlands-related policies and programs, respond to wetlands-related inquiries, and legislatively address wetlands-related issues.

Historically, wetlands were considered unimportant areas to be filled or drained for various uses. More recently, the benefits of wetlands--such as providing fish and wildlife habitat, maintaining water quality, abating erosion and aiding in flood control, and offering recreational and aesthetic opportunities--have become better known. However, according to one federal estimate, over one-half of the original 221 million acres of wetlands in the contiguous 48 states have already been lost and another 290,000 acres are being lost annually to agriculture, development, and other causes.

In summary, federal statutes regulating or otherwise protecting wetlands have evolved piecemeal over the years; from time to time, new laws have been enacted to fill gaps in existing coverage. No less than 25 laws provide for such things as (1) regulating activities undertaken in areas designated as wetlands, (2) acquiring wetlands or protecting them through easements preventing certain activities, (3) restoring damaged wetlands or creating new ones, and (4) providing disincentives to altering wetlands and/or incentives to protect them in their natural state. In addition, in 1989, the President announced a goal of no net loss of wetlands and assigned the task of developing a national wetlands policy to the White House Domestic Policy Council. The Council is currently considering how to implement the President's goal.

At the program level, six federal agencies are primarily responsible for implementing existing wetlands-related legislation: the Army Corps of Engineers, the Environmental Protection Agency, the Department of Agriculture's Soil Conservation Service (SCS) and Agricultural Stabilization and Conservation Service, the Department of the Interior's Fish and Wildlife Service, and the Department of Commerce's National Marine Fisheries Service. Of these agencies, the Corps generally determines whether proposed projects involving wetlands require permits, and SCS identifies wetlands subject to the Swampbuster provision of the 1985 Food Security Act. From fiscal years 1988 through 1990, the Corps made over 74,000 determinations relative to its permit programs, and since 1985 SCS has made over 2 million. Of the host of federal programs relating to wetlands, only Agriculture's administration of the Swampbuster provision directly affects eligibility for other federal benefits.

In addition to the numerous federal policies, statutes, and programs, laws specifically applicable to wetlands have also been enacted by most states. These laws range from those that authorize some states to acquire and preserve wetlands to those that require state permits for construction on wetlands.

Fragmentation of responsibilities relating to wetlands at the federal and state levels has necessitated extensive coordination efforts among the various agencies. Numerous interagency agreements, joint wetlands mapping arrangements, and cooperative public educational efforts have been set in place.

Section 1 of this fact sheet defines wetlands and discusses why they are important. Section 2 identifies how many wetlands remain and explains why others have been lost. Section 3 provides an overview of the federal government's recent policy and approach toward wetlands. Sections 4 and 5 discuss existing and proposed legislation relating to wetlands. Section 6 identifies the federal agencies primarily responsible for administering wetlands-related programs, while section 7 provides a rough estimate of the resources each of these agencies devotes to wetlands-related programs. Section 8 provides a brief overview of the states' wetlands-related laws and programs. Coordination of wetlands-related programs is discussed in section 9. Section 10 describes some ways in which the public can learn about wetlands-related programs and their requirements.

To assist the public in finding out more about wetlands-related laws and programs, appendixes I through VII list contacts for the various major federal and state agencies with wetlands-related responsibilities. Appendix VIII builds on the information in section 2 by providing estimates of the wetlands lost in the United States from the 1780s to the 1980s, by state.

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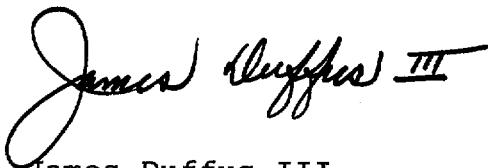
In gathering the information contained in this fact sheet, we reviewed studies and reports on wetlands-related policies and programs. We obtained information relating to wetlands legislation and federal programs. We also reviewed and included in this fact sheet findings from extensive work we have previously done on various federal wetlands protection programs. Throughout our work, we discussed various wetlands-related issues with, and obtained information from, knowledgeable agency officials. However, as requested, we did not obtain written agency comments on a draft of this fact sheet.

Our review was conducted from June through October 1991 in accordance with generally accepted government auditing standards.

Unless you publicly announce its contents earlier, we plan no further distribution of this fact sheet until 30 days from the date of this letter. At that time, we will send copies to the Secretaries of Agriculture, Commerce, Defense,

and the Interior; the Administrator of EPA; and other interested parties. We will make copies available to others upon request.

If you have any questions about this fact sheet, please contact me at (202) 275-7756. Major contributors to this fact sheet are listed in appendix IX.

A handwritten signature in black ink that reads "James Duffus III". The signature is written in a cursive style with a large, looping initial "J" and a distinct "III" at the end.

James Duffus III
Director, Natural Resources
Management Issues

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ABBREVIATIONS

| | |
|------|---|
| ASCS | Agricultural Stabilization and Conservation Service |
| CRP | Conservation Reserve Program |
| EPA | Environmental Protection Agency |
| FWS | Fish and Wildlife Service |
| GAO | General Accounting Office |
| NMFS | National Marine Fisheries Service |
| SCS | Soil Conservation Service |

SECTION 1

WHAT ARE WETLANDS AND

WHY ARE THEY IMPORTANT?

"Wetlands" is a general term used to describe a variety of ecosystems.¹ Wetlands are transitional zones between open water and dry land. They often occur where water is found at or near the ground's surface or in places where the ground is covered by shallow water ranging from a few inches to several feet.

Wetlands generally include swamps, marshes, and bogs. Throughout the United States, wetlands are known by many other names--prairie potholes, sloughs, fens, mangroves, pocosins, wet meadows, savannahs, wet tundra, playa lakes, and vernal pools. Some wetlands are dry during certain seasons and, therefore, do not always appear to people as wet habitat. Prairie potholes are characteristic of this type of wetlands. Such potholes are freshwater depressions and marshes, often less than 2 feet deep and 1 acre in size, that were created by glaciers thousands of years ago.

Figures 1.1 and 1.2, respectively, show traditional Atlantic salt marsh wetlands commonly found along the East Coast and prairie pothole wetlands commonly found in the North Central United States.

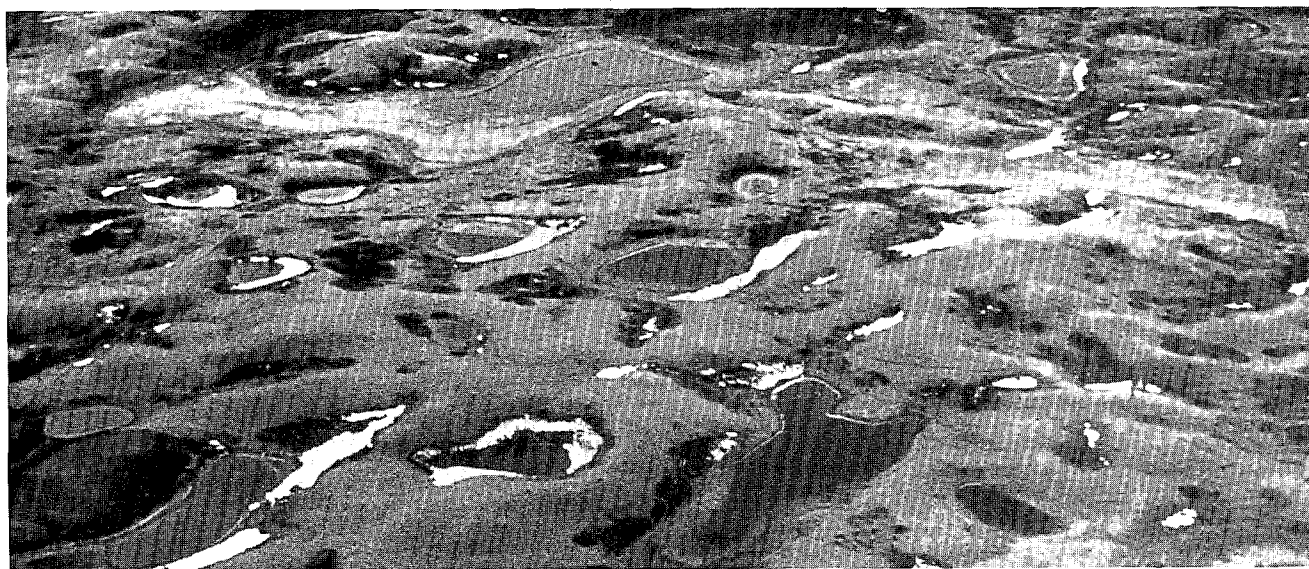
Figure 1.1: Atlantic Salt Marsh Wetlands



Source: Fish and Wildlife Service (FWS).

¹An ecosystem is defined as a system of mutual relationships between organisms and their environment.

Figure 1.2: Prairie Pothole Wetlands



Source: FWS photograph by L. Childers.

In contrast to the past, when wetlands were considered to be unimportant and even worthless areas to be filled or drained for agricultural or developmental activities, wetlands are now recognized for a variety of important functions, including the following:

- They provide vital resting, breeding, and feeding habitat for birds, including migratory waterfowl, such as ducks and geese. Over one-half of all North American ducks, for example, nest in the prairie potholes of the North Central United States and Southern Canada. More than half of all threatened or endangered species depend directly or indirectly on wetlands during their life cycle.
- They provide economic benefits. For example, they provide spawning grounds for commercially valuable fish and shellfish.
- They help maintain water quality by filtering out pollutants to purify water before it enters streams, lakes, or oceans.
- They control floods by slowing down and absorbing excess water during storms and then slowly releasing the stored water to reduce peak flows downstream.
- They protect coastal and upland areas from erosion by absorbing and dissipating the impact of waves.

- They provide aesthetic and recreational opportunities, including fishing, hunting, and birdwatching.

Altering wetlands for various purposes can greatly diminish their effectiveness in providing these important functions. For example, loss of wetlands habitat is the major reason for severe declines in some migratory waterfowl populations.² This decline has been a concern of the United States, Canada, and Mexico, which have various initiatives under way to address the problem. A waterfowl production area in the Prairie Pothole Region of the United States, which encompasses parts of Minnesota, North and South Dakota, Montana, and Iowa, is shown in figure 1.3.

Figure 1.3: Waterfowl Production Area



Source: FWS.

Similarly, when development occurs in coastal areas, it can interfere with natural processes and harm fish and wildlife habitat. Development also reduces the coastal area's ability to protect populated inland areas from hurricanes and other storms and can therefore increase by millions of dollars the costs incurred by federal and state governments to clear away storm debris and provide temporary food and shelter to residents displaced by the storms.

²Wetlands Preservation: Easements Are Protecting Prairie Potholes but Some Improvements Are Possible (GAO/RCED-92-27, Nov. 7, 1991).

SECTION 2

HOW MANY WETLANDS REMAIN

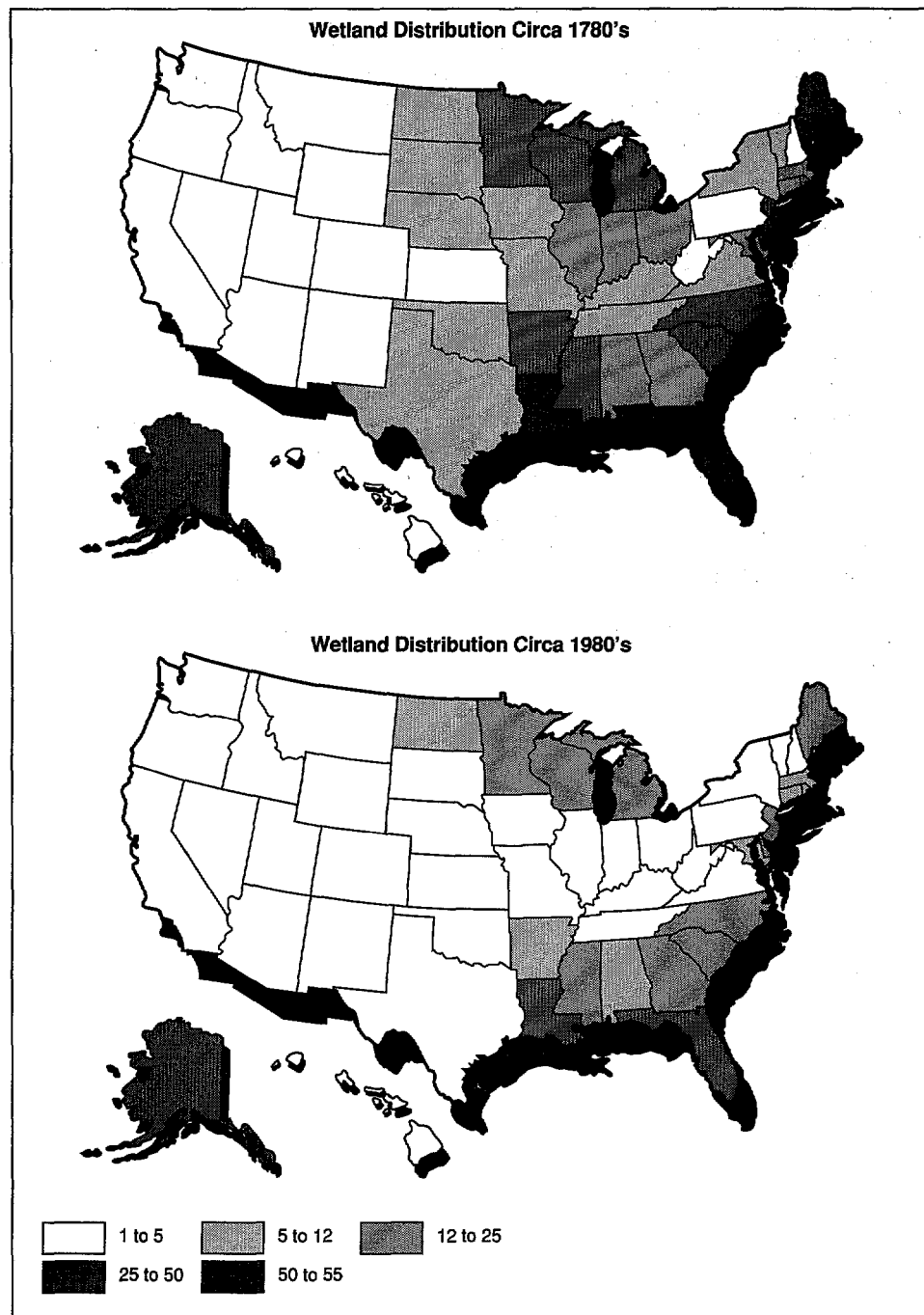
AND WHY HAVE SO MANY BEEN LOST?

In 1989, the Congress passed the North American Wetlands Conservation Act (P.L. 101-233), which directed the Secretary of the Interior to assess the estimated number of acres of wetlands present in the 1780s and in the 1980s. The Interior Department's Fish and Wildlife Service (FWS), using various data sources, estimated that over this 200-year period, the contiguous 48 states had lost an estimated 53 percent of their original 221 million acres of wetlands. An estimated 104 million acres of wetlands remained in these states as of the 1980s, according to FWS estimates. FWS estimates suggest that the annual rate of loss has declined from about 458,000 acres during the period from the mid-1950s to the mid-1970s to about 290,000 acres currently.

STATE-BY-STATE ESTIMATES OF REMAINING WETLANDS

In 1990, FWS concluded that 19 of the contiguous states had lost more than one-half of their original wetlands. Figure 2.1 shows FWS' estimates of wetlands in the United States in the 1780s and the 1980s. State-by-state estimates are provided in appendix VIII.

Figure 2.1: Percent of Wetlands Present in the United States in the 1780s and the 1980s



Source: T.E. Dahl, Wetland Losses in the United States: 1780s to 1980s, U.S. Department of the Interior, Fish and Wildlife Service (Washington, D.C.: 1990), 13 pages.

REASONS FOR WETLANDS LOSSES

Historically, over 80 percent of past wetlands losses have been attributed to drainage and clearing of inland wetlands for farming. Iowa, for example, has already lost an estimated 99 percent of its natural marshes to agricultural drainage, and almost 60 percent of the original prairie pothole wetlands of the Dakotas have been converted to cropland. Recent studies, however, indicate that wetlands losses to agricultural activities have been declining.

In some regions of the country, such as the Mississippi Delta and certain parts of the western and midwestern United States, federally funded water resources projects have contributed to significant losses of natural wetlands. However, these projects also restore or create wetlands to mitigate some of these losses. Other public works projects, such as roads, airports, public buildings, recreational facilities, energy production and distribution systems, and water and sewer systems that are located in and adjacent to wetlands, account for considerable wetlands alterations. In addition, private projects or activities, such as marinas, commercial facilities, housing developments, and individual homes, can adversely affect wetlands.

Figures 2.2 and 2.3 show some of the activities that cause wetlands losses in the United States.

Figure 2.2: Wetlands Losses Attributed to Agricultural Activities



Source: FWS.

Figure 2.3: Wetlands Losses Attributed to Housing and Highway Development



Source: Environmental Protection Agency photograph by Doug Thompson.

SECTION 3

WHAT HAS BEEN THE FEDERAL GOVERNMENT'S RECENT POLICY AND APPROACH TOWARD WETLANDS?

At the time of our review, the issue of wetlands protection was being debated before the Congress and in the executive branch in an attempt to establish a federal wetlands policy and define the scope of the federal effort to save the nation's remaining wetlands. Central to the current debate on wetlands is their continuing loss versus the economic impacts related to stemming their decline. Efforts to stem this decline will be widely felt and may require the expenditure of hundreds of millions of dollars to, among other things, acquire lands and easements, compensate private landowners for the loss of property values, and implement the myriad federal programs relating to wetlands. Another major consideration is how to implement the goal of no net loss of remaining wetlands, as proposed by the President and various environmental and other organizations, and included in certain existing and proposed legislation.

In 1987, the National Wetlands Policy Forum,¹ convened by the Conservation Foundation² at the request of the Environmental Protection Agency (EPA), found that the nation's wetlands programs contain many of the elements needed for a comprehensive protection system. However, the Forum determined that the current programs lack a clear and coherent goal.

The Forum recommended that a national wetlands protection policy be established to achieve no overall net loss of the nation's remaining wetlands base, as defined by acreage and function, and to restore and create wetlands, where feasible, to increase the quality and quantity of the nation's wetlands resource base. The no-net-loss goal, as proposed, is not intended to imply that individual wetlands will in every instance be untouchable; rather, the intent is that the nation's overall wetlands base will reach equilibrium between losses and gains in the short run and that it will increase in the long term.

¹The 20 members of the Forum included 3 governors, a state legislator, and heads of state agencies; a town supervisor; chief executive officers of environmental groups and businesses; farmers and ranchers; and academic experts. In addition, senior officials from five principal federal agencies involved in wetlands protection and management participated as ex-officio members.

²The Conservation Foundation is a nonprofit research and communications organization dedicated to encouraging human conduct to sustain and enrich life on earth.

On February 9, 1989, the President said that the private and public sectors must work together to find ways to conserve wetlands; he further said that the nation's goal should be no net loss of remaining wetlands. On May 23, 1989, the White House established an Inter-Agency Task Force on Wetlands,³ under the Domestic Policy Council's Working Group on Environment, Energy and Natural Resources, to examine ways to achieve no net loss of wetlands as a national goal. The task force's objectives are to (1) recommend revisions to existing presidential executive orders on wetlands protection and floodplain management; (2) establish no net loss of wetlands as a national goal; (3) provide direction to federal agencies for strengthening, implementing, and enforcing wetlands protection, maintenance, and restoration; (4) coordinate agency involvement in achieving the no-net-loss goal; (5) study and recommend ways to encourage state and local governments and the private sector to support the no-net-loss goal; (6) assess implementation of the no-net-loss goal by federal, state, and local governments and the private sector to determine what further steps might be necessary to achieve the goal; and (7) solicit state and local government and private sector views on wetlands issues.

Recently, the Inter-Agency Task Force on Wetlands, with participation by other executive branch agencies, proposed revisions to the wetlands delineation criteria included in a Federal Manual for Identifying and Delineating Jurisdictional Wetlands, which became effective on March 20, 1989. The manual had been developed by, and represented a consensus of, four federal agencies (Interior's Fish and Wildlife Service, Agriculture's Soil Conservation Service, EPA, and the Army Corps of Engineers). However, the public had not been given an opportunity to comment on the manual before it became effective, and its provisions have become a concern to private landowners throughout the country.

Because most of the remaining wetlands in the contiguous states are privately owned and because virtually any project or activity, depending on its location, can adversely affect wetlands, the nature and breadth of any wetlands delineation criteria can have major economic impacts. Agricultural producers and landowners are likely to be among the groups most significantly affected by such criteria. Real estate investors, land developers, lenders, contractors, industrial companies, local governments, transportation planners, the mining industry, coastal oil and gas drilling companies, and timber companies will also be affected.

³The task force comprised representatives from the Departments of the Interior, Agriculture, Commerce, Defense, Housing and Urban Development, and Transportation; EPA; the Office of the Vice President; the Office of Management and Budget; the Council on Environmental Quality in the Executive Office of the President; and the Office of the Assistant to the President for Economic and Domestic Policy.

Before 1989, the generally accepted definition of wetlands had been drawn from federal regulations implementing section 404 of the Clean Water Act of 1977. In these regulations, wetlands are defined as

"those areas that are innundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."

The 1989 manual had the effect of significantly expanding the definition of the nation's wetlands. The manual defined wetlands as areas that have water within 18 inches of the surface for 7 days during the growing season and used indicators of vegetation, soils, and hydrology⁴ to delineate wetlands boundaries.

In response to concerns from the public, the task force proposed significant revisions to the manual and, in August 1991, published them for public comment in the Federal Register. The public comment period on the revisions ends December 14, 1991. The proposed revisions would once again significantly change the criteria for delineating wetlands for federal program purposes.

Under the proposed revisions, wetlands would be limited to areas having standing water for 15 consecutive days or having surface soil saturated for 21 consecutive days during the growing season. Environmental groups are concerned that the proposed revisions to the definition of wetlands could result in the declassification of millions of acres considered wetlands under the 1989 manual criteria. Among the areas that environmental groups are most concerned about are those, such as prairie potholes, that are wet only during certain seasons.

Although we made several attempts to discuss the formulation and status of wetlands policy with White House Domestic Policy Council officials, the Council did not make officials available to meet with us. However, we determined that, as of October 1991, the task force had not completed work on at least two of its primary objectives: recommending revisions to two existing presidential executive orders that deal with floodplain management and wetlands protection, and coordinating agency involvement in achieving the no-net-loss goal. Executive Order 11990, signed by the President in 1977, directed federal agencies to minimize adverse effects on wetlands, protect these resources, and undertake or allow new construction in wetlands only when there are no practical

⁴Hydrology deals with the distribution of water on the earth's surface and underground and the cycle involving evaporation, precipitation, etc.

alternatives. Executive Order 11988, also signed in 1977, entitled "Floodplain Management," requires each federal agency to avoid direct or indirect support of floodplain development wherever there is a practical alternative. Since many wetlands are located in floodplains, this order could influence wetlands development.

Federal agencies concerned with wetlands protection are developing strategies to address the no-net-loss goal. In addition, although the task force has not completed its work, the President announced a three-point plan for improving the protection of the nation's wetlands on August 9, 1991. The plan seeks to balance protection, restoration, and creation of wetlands with the need for economic growth and development. The plan is designed to

- strengthen wetlands acquisition programs and other efforts to protect wetlands,
- revise the 1989 manual defining wetlands to ensure that it is workable, and
- improve and streamline the current wetlands regulatory system.

In addition, the United States and Canada have developed a plan--the North American Waterfowl Management Plan--to focus particularly on the Prairie Pothole Region of the two countries. Aimed at restoring waterfowl populations to the levels of the 1970s, the plan emphasizes raising funds from private sources for the acquisition and improvement of waterfowl habitat, much of which is wetlands. Mexico signed a memorandum of agreement with the United States and Canada to aid in this effort. Habitat can be purchased, leased, or protected with conservation easements, and landowners are offered economic incentives for land-use practices that are beneficial to waterfowl.

SECTION 4

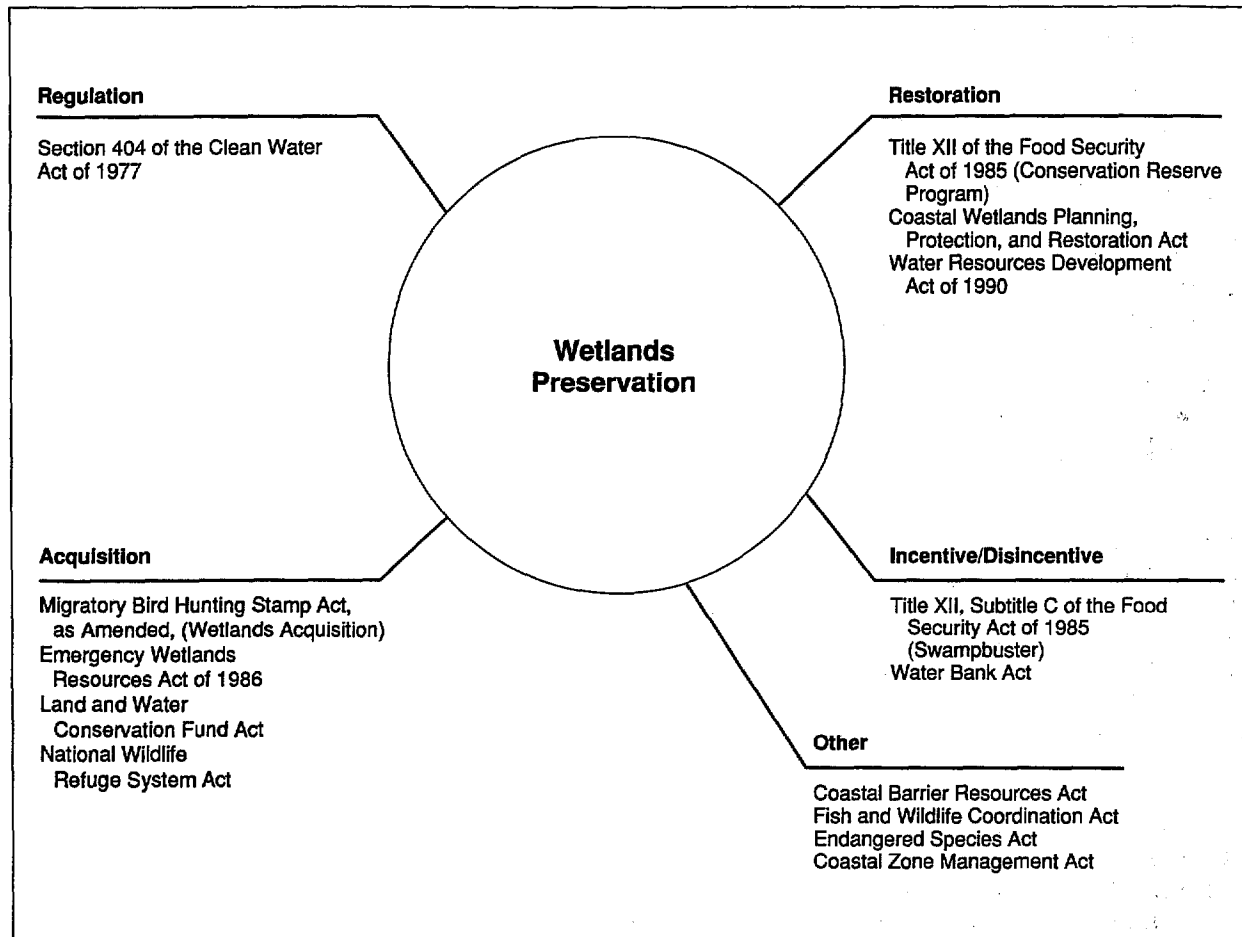
WHAT WETLANDS-RELATED LEGISLATION

HAS BEEN ENACTED?

The federal government does not have a comprehensive wetlands protection statute. Rather, federal statutes regulating or otherwise protecting wetlands have evolved piecemeal over the years. New laws have been enacted from time to time to fill gaps in coverage under previously enacted legislation.

Among the numerous laws enacted by the Congress that affect wetlands are those that result in (1) the regulation of activities undertaken in areas designated as wetlands; (2) the acquisition of wetlands through outright purchase (fee-title acquisition) or through protective easements that prevent certain activities, such as draining, leveling, filling, or burning; (3) the restoration of damaged wetlands or the creation of new wetlands; and (4) disincentives to altering wetlands or incentives to protect them in their natural state. Figure 4.1 shows some federal wetlands-related legislation by primary purpose.

Figure 4.1: Classification of Certain Major Federal Wetlands-Related Legislation by Primary Purpose



MAJOR WETLANDS-RELATED LEGISLATION

Of the numerous wetlands-related statutes enacted, at least six stand out as having major impacts on wetlands. Each of these six laws affecting wetlands is discussed below.

Section 404 of the Federal Water Pollution Control Act ("Clean Water Act") (33 U.S.C. 1344)

Section 404 of the Clean Water Act provides the principal federal authority to regulate wetlands use. Under section 404, landowners and developers must obtain permits in order to carry out dredging and fill activities in navigable waters, which include

adjacent wetlands. The act specifically exempts certain activities--normal agriculture, silviculture (forestry), and ranching--provided that they do not convert areas of U.S. waters to uses to which they were not previously subject and do not impair the flow or circulation of such waters or reduce their reach.

The Food Security Act of 1985 (P.L. 99-198, 99 Stat. 1354)

By most estimates, section 404 regulates only about 20 percent of the activities that destroy wetlands. Activities not regulated under section 404 include drainage, ditching, and channelization for agricultural production, which are major causes of past wetlands losses. To fill this gap in coverage, the Food Security Act of 1985--also referred to as the 1985 Farm Bill--included two major wetlands-related provisions, Swampbuster and the Conservation Reserve Program (CRP). The Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624)--referred to as the 1990 Farm Bill--amended Swampbuster and CRP.

The Swampbuster Provision (16 U.S.C. 3821)

Prior to enactment of the Food Security Act of 1985, federal agricultural policies indirectly encouraged farmers to convert wetlands to farmland by providing credit and commodity price supports. The Swampbuster provision of the Food Security Act of 1985 (title XII, subtitle C) denied federal farm program benefits to producers who planted an agricultural commodity (defined as an annually tilled crop or sugarcane) on wetlands that were converted after December 23, 1985.

The Swampbuster provision is the only legislative provision we are aware of that can directly affect eligibility for other federal benefits. Swampbuster violations result in farmers losing eligibility for commodity program benefits, crop insurance, disaster payments, and other federal benefits. Under the initial Swampbuster provision, producers could legally drain wetlands as long as they did not plant an agricultural commodity on the land. Furthermore, federal financial benefits were denied only in those years in which an agricultural commodity was planted on the converted land. This policy allowed producers to plant a commodity on the converted land in years when prices were high enough to make federal farm program benefits unnecessary and plant the converted land with a noncommodity crop in years when federal program benefits might be needed. The Department of Agriculture's Agricultural Stabilization and Conservation Service (ASCS) reported that, as of August 1991, benefits totaling about \$3.7 million had been withheld from producers because of Swampbuster violations.

The Food, Agriculture, Conservation and Trade Act of 1990 strengthened Swampbuster by stipulating that a person who drains or otherwise manipulates wetlands for the purpose, or to have the effect, of making the production of an agricultural commodity

possible on such converted wetlands (actual planting is not required), is ineligible for farm program benefits for that year and all subsequent years. The act also created a system of graduated sanctions for inadvertent violations and provided that farmers can regain lost federal benefits if they restore converted wetlands.

The Conservation Reserve Program

Authorized under title XII of the Food Security Act of 1985, as amended, CRP authorizes the federal government to enter into contracts with agricultural producers to remove highly erodible cropland from production for 10 to 15 years in return for annual rental payments. Program objectives include curbing the production of surplus commodities and providing income support to farmers for reducing soil erosion. The program was expanded by the Congress in early 1989 to make cropped wetlands eligible for enrollment.

Under CRP, participating producers are to implement conservation plans that usually include planting a conservation cover, such as grass or trees, on the acreage to hold soil in place and reduce erosion. The federal government may reimburse producers for up to half the cost of planting the conservation cover.

As of July 1991, nearly 34.5 million acres had been enrolled in CRP. The Department of Agriculture's Soil Conservation Service estimated that about 410,000 of these acres are wetlands. The annual rental payments for wetlands enrolled in the program is about \$20.1 million. In 1989 we reported that a 40-million-acre CRP could cost over \$22 billion by 1999; annual costs would peak at about \$2.1 billion in the 1990 to 1995 time period.¹

The Water Bank Act (16 U.S.C. 1301)

Passed in 1970, this act authorizes the Water Bank Program to provide funds to purchase 10-year easements on wetlands and adjacent areas. The act's objectives are to preserve, restore, and improve the wetlands of the nation and thereby (1) conserve surface waters, (2) preserve and improve habitat for migratory waterfowl and other wildlife resources, (3) reduce runoff and soil and wind erosion, (4) contribute to flood control, (5) contribute to improved water quality and reduced stream sedimentation, (6) contribute to improved subsurface moisture, (7) reduce acres of new land coming into production and retire lands now in production, (8) enhance the natural beauty of the landscape, and (9) promote comprehensive and total water management planning.

¹Farm Programs: Conservation Reserve Program Could Be Less Costly and More Effective (GAO/RCED-90-13, Nov. 15, 1989).

Implementation of the Water Bank Act, much like the Small Wetlands Acquisition Program established under the Migratory Bird Hunting Stamp Act, as amended, is concentrated in the Prairie Pothole Region of the United States. Under the act, private landowners or operators enter into agreements with the federal government in which they promise not to drain, fill, level, burn, or otherwise destroy wetlands and to maintain ground cover essential for the resting, breeding, or feeding of migratory waterfowl. In exchange, the landowners or operators receive annual payments. The Water Bank Program had 543,208 acres enrolled as of July 1, 1991, at an annual cost to the federal government of about \$8 million.

The Migratory Bird Hunting and Conservation Stamp Act
(16 U.S.C. 718)

Passed in 1934, this act requires waterfowl hunters aged 16 and older to purchase "duck stamps," the proceeds of which are deposited into the Migratory Bird Conservation Fund to be used to acquire habitat for migratory waterfowl. A large portion of such habitat is wetlands, although adjacent uplands can also be acquired to provide nesting cover. Millions of acres of wetlands and surrounding uplands areas have been preserved with these funds, either by outright purchase or through perpetual easements. For example, through fiscal year 1989, about \$49 million had been spent to obtain over 23,000 easements on more than 1.2 million acres of wetlands, and another \$102 million had been spent to acquire fee-simple title to almost 564,000 acres of wetlands in the Prairie Pothole Region under the Small Wetlands Acquisition Program. Under this program, landowners give up their rights to drain, fill, burn, or level wetlands.

The Coastal Barrier Resources Act (16 U.S.C. 3501)

The Coastal Barrier Resources Act, enacted in 1982, prohibits most new federal expenditures and financial assistance for development of coastal barriers included in the Coastal Barrier Resources System, a major portion of which is wetlands. The purpose of the act is to minimize the loss of human life, wasteful expenditure of federal revenues, and damage to fish, wildlife, and other natural resources associated with the development of coastal barriers. Undeveloped coastal barriers include islands, spits, tombolos, and bay barriers that are subject to wind, waves, and tides.²

With certain exceptions, financial assistance is defined as any form of loan, grant, guaranty, insurance, payment, rebate,

²A barrier spit is a narrow point of land or shoal that extends from the shoreline. A tombolo is a sand bar connecting an island to the mainland or another island.

subsidy, or other form of direct or indirect federal assistance. Prohibitions against providing federal flood insurance on property within the system became effective October 1, 1983. Generally, the act prohibits new federal financial assistance for development of specific coastal barriers, including expenditures for

- constructing or purchasing structures, appurtenances, facilities, or related infrastructure;
- constructing or purchasing any roads, airports, boat landing facilities, or other facilities on, or bridges or causeways to, any units in the system; and
- carrying out any project to prevent the erosion of, or to otherwise stabilize any inlet, shoreline, or inshore area, with certain exceptions.

OTHER WETLANDS-RELATED LEGISLATION

In addition to the six statutes previously discussed, many other laws help protect wetlands, even though some were not enacted specifically for that purpose. Some of these laws are briefly discussed below.

The Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624)

In addition to making major changes to Swampbuster and CRP, this act established the Wetlands Reserve Program to be administered by ASCS as part of the Environmental Conservation Acreage Reserve Program. The Wetlands Reserve Program will create a wetlands reserve of up to 1 million acres through the use of easements of the longest term permitted by state law. Landowners may receive up to \$50,000 per year in payments and 75 percent in cost-sharing assistance to implement restoration plans on acres under nonpermanent easements. For permanent easements, there is no annual payment limit and the federal government pays all the costs to implement the restoration plans.

The 1987 Agricultural Credit Act (P.L. 100-233)

This act established the Farmers Home Administration Conservation Easement Program, under which lands that either have reverted or may revert to the Department of Agriculture's Farmers Home Administration can be preserved in their natural state. Under this program, the Secretary of Agriculture may grant or transfer easements on land obtained from farm foreclosures or voluntary conveyance to federal and state agencies.

The Coastal Wetlands Planning, Protection,
and Restoration Act (title III, P.L. 101-646)

This 1990 act authorizes spending for wetlands restoration projects, particularly in Louisiana. The act establishes a task force and planning process for protecting and restoring coastal wetlands in Louisiana and a provision that creates a coastal wetlands restoration cost-sharing program open to all coastal states. The act also provides additional funds for North American Waterfowl Management Plan projects, which seek to protect more than 6 million acres of important wetlands. Projects thus funded help protect and restore habitat for migratory waterfowl. Seventy percent of the revenues go to restoring Louisiana coastal wetlands, 15 percent for a national wetlands grant program for all coastal states, and 15 percent to fund North American Waterfowl Management Plan projects.

The Water Resources Development Act
of 1990 (P.L. 101-640)

This act includes provisions, as a part of the Corps' water resources development program, for no overall net loss of the nation's remaining wetlands base. The act also requires the Secretary of the Army to develop--in consultation with the Environmental Protection Agency (EPA), the Department of the Interior's Fish and Wildlife Service (FWS), and other appropriate federal agencies--a wetlands action plan to achieve the goal of no net loss of remaining wetlands. This action plan is to be completed by November 28, 1991.

Section 10, Rivers and Harbors Act of 1899
(33 U.S.C. 403)

This act requires that permits be obtained from the Army Corps of Engineers for dredge, fill, and other activities that could obstruct navigable waterways, which can include wetlands.

The Fish and Wildlife Coordination Act
(16 U.S.C. 661)

This act requires that wildlife conservation be given consideration equal to that given other purposes of water resources development projects constructed by federal agencies. This act empowers FWS and the Department of Commerce's National Marine Fisheries Service to evaluate the impact on fish and wildlife of all new federal projects and federally permitted projects, including projects granted a permit under section 404 of the Clean Water Act.

The Endangered Species Act of 1973
(16 U.S.C. 1531)

This act prohibits any federal agency from undertaking or funding a project that will threaten a rare or endangered species. Some wetlands development is restricted by this statute. The act can be used to prevent alterations of wetlands necessary to maintain a species' critical habitat--that is, of the geographical area that has the physical or biological features essential to conserve the species and that may require special management consideration or protection.

The Emergency Wetlands Resources Act of 1986
(P.L. 99-645)

This act promotes the conservation of wetlands in order to maintain the public benefits they provide. The purpose is to intensify cooperation and acquisition efforts among private interests and local, state, and federal governments for the protection, management, and conservation of wetlands. The act authorized the acquisition of wetlands consistent with a National Wetlands Priority Conservation Plan. It also (1) contains options for generating revenues to acquire and protect wetlands, (2) requires that statewide comprehensive outdoor recreation plans specifically address wetlands, (3) directs the completion of the mapping of the nation's wetlands, and (4) requires a study of the effects of federal programs on wetlands. The act raised the price of duck stamps, required entrance fees for selected units of the national wildlife refuge system, and required that an amount equal to the annual duties on imported firearms and ammunition be paid into the Migratory Bird Conservation Fund. The act requires FWS to complete its wetlands inventory mapping of the contiguous United States by 1998.

The Federal Aid to Wildlife Restoration Act of 1937
(16 U.S.C. 669-669i)

The purpose of this act is to provide assistance to the states and territories in carrying out projects to restore, enhance, and manage wildlife resources and habitat.

The Fish and Wildlife Act of 1956
(16 U.S.C. 742a-742j)

This act established FWS and authorized the Secretary of the Interior to take such steps as required for the development, advancement, management, conservation, and protection of fish and wildlife resources. Such authority can be used to protect wetlands vital to many fish and wildlife species.

The Everglades National Park Protection and Expansion Act of 1989 (P.L. 101-229)

This act provides for the acquisition of 107,600 acres to be added to the Everglades National Park in southern Florida and provides for an increase in the water flow to the park to help restore and protect its water-dependent ecosystem. The additional acres would expand the size of the park to 1.5 million acres.

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee)

This act established a National Wildlife Refuge System by combining former "wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas," into a single refuge system. The system currently includes 472 national wildlife refuges covering approximately 90 million acres. FWS estimates that 35 percent is wetlands.

Section 402 of the Federal Water Pollution Control Act (Clean Water Act) (33 U.S.C. 1342)

This section authorizes a national system for regulating sources of water pollution, which can affect wetlands, with regulation either by EPA or through approved state programs. The Clean Water Act prohibits pollutant discharges without a permit. Pollutant discharges are allowed subject to statutory restrictions under this section.

The Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901)

This act, which is administered by EPA, controls the disposal of hazardous waste and could reduce the threat of chemical contamination of wetlands.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321)

This act provides that environmental impact statements be prepared for major federal actions. The statements must include assessments of the environmental impacts of the proposed actions, any adverse environmental effects that cannot be avoided should the proposals be implemented, and alternatives to the proposed actions. Assessments conducted under this act have been applied to major federal actions affecting wetlands.

The Land and Water Conservation Fund Act of 1965,
As Amended (16 U.S.C. 4601)

This act supports the purchase of natural areas, including wetlands, at federal and state levels. The Emergency Wetlands Resources Act of 1986 amended the Land and Water Conservation Fund Act to (1) permit the funds to be used to acquire wetlands and (2) require the states to include the acquisition of wetlands as part of their comprehensive outdoor recreation plans.

The North American Wetlands Conservation Act of 1989
(16 U.S.C. 4401)

This act seeks to increase the protection and restoration of 6 million acres of wetlands under the North American Waterfowl Management Plan in an effort to increase waterfowl populations and authorizes the Congress to appropriate up to \$15 million for its implementation. The act is financed, in part, by funds received from the investment of unobligated Federal Aid to Wildlife Restoration Act funds, which are derived from excise taxes on ammunition and sporting arms, handguns, and certain archery equipment, as well as from fines, penalties, and forfeitures associated with Migratory Bird Act violations. Between 50 and 70 percent of available funds are to be spent on wetlands conservation projects in Canada and Mexico; the remaining funds are to be spent on projects in the United States. Projects are recommended to the Migratory Bird Conservation Commission,³ and costs are shared with state and private organizations working toward the goal of wetlands preservation.

The Coastal Zone Management and Improvement Act of 1990
(16. U.S.C. 1451)

Under the Coastal Zone Management and Improvement Act (subtitle C of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508)), the Federal Office of Coastal Zone Management in EPA sets guidelines and provides funding for states to implement coastal zone management programs. The act also requires each state with a coastal zone management program to develop a coastal water quality protection program to address pollution of coastal waters and to encourage each coastal state to improve (1) coastal wetlands protection, (2) natural hazards management, (3) public beach access, (4) marine debris management, (5) assessments of coastal growth and development, and (6) environmentally sound siting of coastal energy facilities. The act makes available grants to

³The Commission was established under the Migratory Bird Conservation Act of 1929, as amended, and includes as members the Secretaries of the Departments of the Interior, Transportation, and Agriculture, and two Senators and two Representatives from the Congress.

encourage the six states and territories without coastal zone management programs to develop coastal water quality protection programs.

The National Flood Insurance Act of 1968
(42 U.S.C. 4001-4128)

This act requires communities to develop federally approved floodplain management programs. Administered by the Federal Emergency Management Agency, the act provides subsidized flood insurance to property owners in communities with approved programs. Communities that do not adopt an approved program to regulate future floodplain uses are ineligible for most federal financial assistance, including federal disaster assistance in the event of a flood. Property owners whose land is situated in a floodplain cannot get federally guaranteed mortgages, loans, or other forms of financial assistance unless the property is covered by flood insurance. In general, the programs apply to structures in floodplains. Although not the act's primary focus, wetlands development is covered in the programs, since nearly all coastal and most inland wetlands occur in floodplains.

SECTION 5

WHAT WETLANDS-RELATED LEGISLATION

IS PENDING BEFORE THE CONGRESS?

Several significant legislative proposals that could change federal wetlands protection policies have been introduced in the 102nd Congress. Some of the major provisions of certain bills are as follows.

THE WETLANDS NO-NET-LOSS ACT OF 1991 (H.R. 251)

Among other things, H.R. 251 proposes a no-net-loss goal for wetlands, establishment of an Office of Wetlands Identification and Preservation within the Department of the Interior's Fish and Wildlife Service (FWS), and requirements for ensuring that all feasible measures are taken to avoid or minimize adverse effects of activities in wetlands during the section 404 permitting process. The bill also (1) substantially revises section 404, including the addition of permit fees that reflect actual administrative costs; (2) establishes a Wetlands Preservation Account within the General Fund of the U.S. Treasury that will include deposits of criminal penalties for violations of section 404 permits and \$300 million annually transferred from the Land and Water Conservation Fund; (3) authorizes the creation of private preservation trusts (with donations to a trust eligible for treatment as charitable deductions under the Internal Revenue Code); and (4) requires taking an inventory of all government-owned wetlands and creating a management plan for these lands.

H.R. 251 expands the restricted activities under section 404 to include drainage and certain other activities, rather than just the discharge of dredged or fill material. It amends the Fish and Wildlife Coordination Act by expanding FWS' authority to report on and recommend conditions for proposed water projects of the Army Corps of Engineers and other federal agencies. It also provides to the Department of Commerce's National Marine Fisheries Service new authority relating to commenting on, and making recommendations regarding, certain proposed section 404 permits.

THE WETLANDS PROTECTION AND REGULATORY REFORM ACT OF 1991 (H.R. 404)

This act's major provisions include (1) a no-net-loss goal; (2) a narrowed definition of wetlands similar to that proposed by the Domestic Policy Council's Inter-Agency Task Force on Wetlands; (3) a classification approach to accord differential regulatory treatment of wetlands on the basis of the acreage, function, and benefits they provide; (4) broadened section 404 permit exemptions; and (5) a repeal of the Environmental Protection Agency's (EPA)

authority to veto section 404 permits. The bill also facilitates assumption of section 404 responsibilities by states.

THE COMPREHENSIVE WETLANDS CONSERVATION
AND MANAGEMENT ACT OF 1991 (H.R. 1330)

H.R. 1330 proposes a complete overhaul of the existing Section 404 Program. The bill's major provisions include (1) defining and classifying wetlands according to their size and value to the environment, (2) compensating certain wetlands property owners, (3) broadening section 404 permit exemptions and general permits (see sec. 6 of this fact sheet), and (4) eliminating EPA's authority to veto section 404 permits. When a landowner accepts an offer of compensation for wetlands classified into the most valuable category under the act, that acceptance results in a "taking" of property by the federal government. The bill also imposes increased mapping and inventory duties on FWS, requires the Corps to establish a mitigation banking program (e.g., establishes "mitigation credits" through restoration, creation, or set-aside of wetlands to satisfy compensatory mitigation requirements when losses are unavoidable) in each state, and sets deadlines and administrative appeal procedures for the permitting process.

SECTION 6

WHICH FEDERAL AGENCIES ARE PRIMARILY RESPONSIBLE FOR ADMINISTERING WETLANDS-RELATED PROGRAMS?

Wetlands determinations are generally made by two federal agencies--the Army Corps of Engineers and the Department of Agriculture's Soil Conservation Service (SCS). During fiscal years 1988 through 1990, the Corps made over 74,000 determinations under its permit programs. Since 1985, SCS has completed over 2 million wetlands determinations relating to Swampbuster. In addition, many other federal agencies administer or participate in programs and activities that protect the nation's wetlands. The federal agencies that are most often identified with wetlands protection include the Corps, SCS, the Environmental Protection Agency (EPA), Agriculture's Agricultural Stabilization and Conservation Service (ASCS), the Department of the Interior's Fish and Wildlife Service (FWS), and the Department of Commerce's National Marine Fisheries Service (NMFS). The role of each of these agencies in wetlands protection is briefly discussed below.

THE ARMY CORPS OF ENGINEERS

The Corps is responsible for issuing section 404 permits authorizing dredging or fill activities in U.S. waters, including adjacent wetlands. Other federal agencies, such as EPA, NMFS, and FWS, also have significant roles in the permit and/or enforcement processes. The Clean Water Act also authorizes state permit programs if approved by EPA. Of the approximately 15,000 project-specific permit applications the Corps evaluates each year, about 10,000 are issued and 500 denied. The remaining 4,500 applications either qualify for authorization under a general permit,¹ are withdrawn by the applicant, or are canceled by the Corps when the applicant fails to provide information required for a decision. The Corps also verifies authorization of approximately 40,000 minor activities each year under the terms and conditions of regional and nationwide general permits.

During fiscal years 1988 through 1990, the Corps made 74,148 determinations concerning whether a proposed project or activity required a permit (jurisdictional determinations). These determinations included not only section 404 wetlands delineations but also determinations for other Corps programs. (Corps officials could not provide a breakdown of how many wetlands delineations came under section 404.) In addition, the Corps attempts to verify

¹General permits are developed on either a regional or a national basis to cover activities that are similar in nature and that will cause only minimal individual and cumulative adverse impacts.

the accuracy of wetlands delineations performed by consultants for permit applicants. Some Corps district offices suggest that applicants hire their own consultants to perform wetlands delineations rather than wait for Corps staff to become available.

The Corps' Jacksonville, Florida, District Office, which has historically processed the most section 404 permits, estimated that its wetlands delineations can take anywhere from a few hours to several weeks, depending on the magnitude of the project. District officials told us that 7 to 10 days would be an appropriate average time for such delineations in response to requests from citizens wanting to know if a permit was required for a proposed project.

A public interest review is the process under which an application is considered and a decision is reached as to whether to issue a permit. Corps regulations require consideration of many factors during these public interest reviews, including wetlands values, conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply and quality, energy needs, safety, food production, and, in general, the needs and welfare of the public.

The Section 404 Program does not provide applicants with a formal administrative procedure for appealing Corps decisions. If applicants are denied a permit, Corps guidance stipulates that they can either withdraw their permit application or modify the project and reapply. Alternatively, an applicant may seek judicial review.

Applicants for Corps permits can discuss their projects with relevant federal agencies and others before formally submitting their applications. Also, as part of the public interest review process, federal agencies are available to discuss with applicants any recommendations the agencies may have made relative to permit conditions if the applicants believe the conditions to be unworkable. Applicants can work directly with the field staff of the agencies that originated the permit recommendations to search for acceptable alternatives.

Both the Corps and EPA have enforcement responsibilities under section 404. EPA has statutory enforcement authority to deal with discharges of dredged or fill material where no permit has been obtained. The Corps has similar authority for dealing with violations of permit conditions. In January 1989, the Corps and EPA entered into a memorandum of agreement that established the Corps as the agency primarily responsible for initial investigations of reported violations. Both the Corps and EPA have authority to seek civil or administrative remedies for unauthorized discharges in wetlands. In addition, EPA can pursue criminal action in its enforcement areas. During fiscal years 1988 through 1990, 18,140 unauthorized discharges were reported to the Corps. The Corps resolved 16,736 reported violations by requiring

restoration of the damage to wetlands or other actions. Some violations remained open at the end of fiscal year 1991. In addition to the unauthorized discharges, the Corps conducted compliance inspections of over 44,000 permitted activities. Almost 2,700 violations were noted as a result of these inspections.

EPA

In addition to its enforcement responsibilities under section 404, EPA has responsibilities relating to section 404 permits. EPA, in consultation with the Corps, developed the guidelines for selection of sites for disposal of dredged or fill materials into the waters of the United States. In addition, EPA has the responsibility for determining the scope of "navigable waters" (waters of the United States, including adjacent wetlands) and for making interpretations of the scope of exemptions under the Section 404 Program. EPA generally defers, however, to the Corps for specific wetlands delineations. EPA also has what is often referred to as "veto" authority under subsection 404(c). Even where the Corps has already approved a permit, EPA may prohibit the disposal of dredged or fill materials at any site if use of the site will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas, wildlife, or recreational areas. From inception of the Clean Water Act through October 1, 1991, EPA had completed veto actions only 11 times.

FWS

FWS plays an advisory role in the Section 404 Program, making recommendations to the Corps on whether to approve a permit application and on any conditions that should be incorporated into a permit prior to its approval. In addition, FWS is active in programs that protect, restore, and enhance wetlands and conducts research and distributes information concerning wetlands. For example, FWS administers the Small Wetlands Acquisition Program, which has acquired about 1.8 million acres of wetlands primarily in the North Central United States. FWS also plays a major role in implementing the Coastal Barrier Resources Act, which has resulted in the incorporation of vast wetland acreage into the Coastal Barrier Resources System. In addition, FWS manages over 90 million acres within the National Wildlife Refuge System, about a third of which are wetlands. Wetlands maps used widely across the nation come from FWS' National Wetlands Inventory. More than half of the maps planned for this inventory have been completed; the remainder are scheduled for completion by 1998.

FWS assists SCS in mapping agricultural wetlands and in selecting and managing valuable wetlands to be protected under the Farmers Home Administration Conservation Easement Program and the Wetlands Reserve Program. Moreover, in 1990, FWS entered into about 1,300 agreements to implement wetlands restoration projects on highly erodible cropland removed from production under the

Conservation Reserve Program. FWS also assists agencies within the Department of Agriculture and farmers in designing wetlands conservation and mitigation plans necessary to qualify for Farm Bill incentives and to restore wetlands on private lands.

ASCS and SCS

Within Agriculture, two agencies have primary responsibility for wetlands protection--ASCS and SCS. ASCS administers and enforces the Swampbuster provision, including providing wetlands information to producers and third parties, monitoring compliance with regulations, responding to public complaints and producers' appeals of ASCS decisions, and dealing with violations of the regulations. In each state, ASCS operations are carried out in conjunction with a state committee appointed by the Secretary of Agriculture. In each of the approximately 3,080 agricultural counties throughout the United States, a county committee is responsible for local administration of ASCS operations. Potential Swampbuster violations by farmers can be resolved if the farmers present information to ASCS county committee representatives that justifies their actions. In addition, a farmer can appeal an ASCS violation determination first to the ASCS county committee, then to the ASCS state committee, and finally to the ASCS Deputy Administrator for State and County Operations. We attempted to obtain current information on Swampbuster violations and appeals but were told that Agriculture was experiencing problems with its data base and therefore could not provide us with such information.

SCS is responsible for identifying the wetlands subject to the Swampbuster provision and for granting certain exemptions. SCS staff conduct wetlands delineations, notify producers of the presence of wetlands, and process producers' appeals of SCS delineations. SCS activities are carried out in about 3,000 conservation districts that cover more than 2 billion acres. SCS wetlands delineations may be appealed to the agency's conservation districts, then to its area offices (in those states with such offices), then to its state offices, and finally to the Chief of SCS.

As of July 1, 1991, Agriculture reported that since the Swampbuster provision was established in 1985, SCS had completed 2,017,354 out of about 2,500,000 wetlands delineations requested by farmers during that time. These delineations involved almost 15 million acres of wetlands. The average time required to make a wetlands delineation was 1.5 hours for clerical effort and 2.5 hours for the on-site inspection. SCS has temporarily stopped accepting new requests from farmers for wetlands delineations, pending revisions to the federal wetlands delineation manual. As a result, SCS estimates that all remaining delineations will be completed by December 31, 1992.

NMFS

NMFS is an active player in coastal wetlands issues. Under the Fish and Wildlife Coordination Act, as amended, NMFS can make recommendations regarding section 404 permit applications. These recommendations may serve as the basis for the Corps to modify, attach conditions to, or deny a permit. NMFS field office staff also work closely with state fish and wildlife agencies as well as with state water quality agencies on wetlands issues.

SECTION 7

WHAT RESOURCES HAVE FEDERAL AGENCIES DEVOTED TO IMPLEMENTING AND ENFORCING WETLANDS-RELATED PROGRAMS?

Because of the diversity of laws and the resulting diversity of federal programs relating to wetlands, the precise number of staff and resources devoted to wetlands protection and enforcement cannot be readily determined. However, it is safe to say that the recent emphasis on protecting wetlands has translated into increased funding for many of the major federal wetlands-related programs.

THE ARMY CORPS OF ENGINEERS

The Army Corps of Engineers' regulatory program budget, much of which is devoted to the Section 404 Program, was a little over \$55 million for fiscal year 1988. For fiscal years 1991 and 1992, the budget had climbed to about \$75 million and \$86 million, respectively.

The Corps currently has a regulatory staff of over 1,000. The increased funding the Corps has received will enable it to increase its regulatory staff to a planned level of 1,250 by the end of fiscal year 1993.

THE ENVIRONMENTAL PROTECTION AGENCY (EPA)

At EPA, officials advised us that the wetlands program budget has increased from \$7.7 million and 96 full-time equivalent positions in fiscal year 1989, to \$10.4 million and 105 full-time equivalent positions in fiscal year 1990, and to \$18.8 million and 161 full-time equivalent positions in fiscal year 1991. Of the fiscal year 1990 and 1991 budget amounts, \$1.2 million and \$5.0 million, respectively, were for grants to states for developing and enhancing their wetlands protection programs.

THE DEPARTMENT OF AGRICULTURE

Wetlands protection activities of Agriculture's Agricultural Stabilization and Conservation Service totaled about \$11 million in fiscal year 1989, \$15.5 million in fiscal year 1990, and an estimated \$15.8 million in fiscal year 1991. Total staff-years for these 3 fiscal years were 404 in 1989, 543 in 1990, and an estimated 524 in 1991.

Agriculture's Soil Conservation Service (SCS) estimated that wetlands delineations under the Swampbuster provision involved 793 staff in fiscal year 1989, 1,635 in fiscal year 1990, and 793 in

fiscal year 1991. The cost of wetlands delineations under the Swampbuster provision for these 3 fiscal years was about \$33.3, \$73.6, and \$38.1 million, respectively. An SCS official said that the current suspension of wetlands delineations, pending resolution and finalization of the revised federal wetlands delineation manual, was responsible for the decrease in staff years in fiscal year 1991. The revised manual and changes brought about by the Food, Agriculture, Conservation and Trade Act of 1990 may cause the agency to redo some or all of its previous wetlands delineations.

THE DEPARTMENT OF THE INTERIOR

At Interior, officials told us that funds budgeted for the various wetlands programs and activities, including research, acquisition, and education, have increased significantly. For example, in fiscal year 1989, the Fish and Wildlife Service's comprehensive wetlands budget was about \$76 million; in fiscal year 1990, the budget was about \$111.4 million; and in fiscal year 1991, it was about \$136.7 million. These amounts include funds for operational programs for wetlands conservation and restoration, acquisitions, and other initiatives. In addition, Interior's Bureau of Reclamation reported a fiscal year 1991 budget of about \$10 million for wetlands protection, restoration, enhancement, research, information, and education.

THE DEPARTMENT OF COMMERCE

According to a Commerce official, the National Marine Fisheries Service's Habitat Conservation Program has a total of 55 professionals, who spend about 40 percent of their time on permitting programs administered by the Army Corps of Engineers. The total budget devoted to wetlands activities runs about \$2 million annually.

SECTION 8

DO STATES HAVE WETLANDS-RELATED PROGRAMS?

In addition to various water quality programs, many states have enacted laws that apply specifically to wetlands. Some state wetlands laws protect only "wet" wetlands, such as bogs, swamps, marshes, and tidal areas, while other state laws extend to wetlands that are more broadly defined. The laws vary from those that authorize the states to acquire and preserve wetlands to those that require permits for construction on wetlands. Some states have modeled their programs after the federal government's Section 404 Program and incorporated the same definitions, exemptions, and permit requirements as those employed by the Army Corps of Engineers and the Environmental Protection Agency. One state, Michigan, has--according to the provisions of the Clean Water Act--assumed administration of the section 404 permitting activity for all waters within its boundaries except for those that actually are or could be used for navigation in interstate and foreign commerce, where the Corps retains jurisdiction.

Some states have regulatory programs that, unlike the Section 404 Program, regulate more than the deposit of dredged and fill material into wetlands. In such instances, the Corps will generally not issue a section 404 permit unless the proposed project complies with state water-quality certifications, coastal zone management plans, and state wetlands laws.

SECTION 9

HOW ARE FEDERAL AND STATE WETLANDS AND WATER-RELATED PROGRAMS COORDINATED?

Federal and state agencies coordinate their wetlands and water-related programs and activities in a variety of ways. Many agencies have formal memoranda of agreement that outline responsibilities for administering various aspects of their programs. These agreements vary in scope and in the number of agencies that participate in them.

COORDINATION UNDER SECTION 404 OF THE CLEAN WATER ACT

Interagency and intergovernmental coordination is a requirement under the Section 404 Program. The primary mechanism for coordinating section 404 is a project-specific public notice that is sent to interested federal, state, and local government agencies; adjacent landowners; and other organizations or individuals who have expressed a desire to be on the public notice mailing list. In some areas of the country, the Army Corps of Engineers, the Environmental Protection Agency (EPA), the Department of the Interior's Fish and Wildlife Service (FWS), and the states have instituted a program of preapplication consultations with prospective applicants during which time proposals can be discussed before significant expenditures are incurred.

Considerable coordination involving section 404 has occurred between the Corps and other federal agencies, particularly EPA. In enacting the Clean Water Act, the Congress took steps to ensure that the permitting process was coordinated with EPA. In this regard, the Corps uses guidelines developed jointly with EPA in its permitting decisions.

In accordance with a January 1989 memorandum of agreement between the Department of the Army and EPA, the Corps generally makes wetlands delineations under the Section 404 Program, even though such authority rests with EPA. The agreement provides that the Corps will make all jurisdictional and exemption determinations unless EPA designates, in advance, special cases in which it will make the determination. Other memoranda of agreement have been signed by the Corps and EPA regarding mitigation policy and enforcement activities. The Corps also has memoranda of agreement with other federal agencies, including the Departments of the Interior and Commerce.

The concept of mitigation has been the focus of considerable disagreement among federal agencies and has been the subject of extensive negotiation, especially between the Corps and EPA. The

President's Council on Environmental Quality stated that mitigation of adverse environmental effects should follow a "sequencing" approach. This approach involves step-by-step actions taken in order. Avoidance of adverse impacts is the first consideration. Compensatory mitigation--creating or restoring wetlands to compensate for the loss of existing, functioning wetlands--is generally the last consideration. In between these two extremes are considerations relating to minimizing, rectifying, reducing, or eliminating the adverse impacts over time. The Corps and EPA signed an agreement, effective in February 1990, that generally endorses this sequencing approach. The agreement also endorses a no-net-loss goal for wetlands.

The Corps and EPA have also worked with the states and other federal agencies to clarify certain activities exempt from section 404 regulations and to otherwise coordinate activities. For example, the Corps and EPA, in consultation with various states, have identified potential disposal sites in advance of dredge or fill disposal operations. This process allows affected parties to identify the location of wetlands and assess wetlands values in advance of permit decisions. Disposal sites can be identified as generally suitable or unsuitable before any commitment of resources is made.

Amendments to the Fish and Wildlife Coordination Act require that the Corps give full consideration to comments from FWS and the Department of Commerce's National Marine Fisheries Service (NMFS) when reviewing section 404 applications. State water resources agencies are also given a chance to comment on proposed projects as part of the public interest review performed for each project-specific section 404 permit application.

Also, if requested, an applicant for a section 404 permit must provide the Corps with a water quality compliance certification from the state where the discharge of dredged or fill material into navigable waters originates. Coastal states also certify under section 307 of the Coastal Zone Management Act whether a proposed project or activity is consistent with the state's coastal zone management plan before the Corps will issue a permit.

In addition, the Clean Water Act authorizes state assumption of the section 404 permitting activity for all waters except those that actually are or could be used for navigation in interstate and foreign commerce, where the Corps retains jurisdiction. However, only one state, Michigan, has assumed the administration of the section 404 permitting authority. Before a state can assume such authority, it must first get approval from EPA.

Another form of coordination with regard to the Section 404 Program between the Corps and the states is the issuance of general permits that cover similar activities that will cause only minimal individual and cumulative adverse impacts.

COORDINATION AT THE DEPARTMENT OF AGRICULTURE

Agriculture agencies responsible for administering wetlands programs rely on various memoranda of agreement with other federal agencies involved with wetlands programs. These agreements vary in scope and in the number of agencies participating in them. For example, Agriculture's Agricultural Stabilization and Conservation Service (ASCS) and Soil Conservation Service (SCS) have an agreement regarding implementation of the highly erodible land and wetlands conservation provisions of the Food Security Act of 1985. The Commodity Credit Corporation (an Agriculture agency that, among other things, stabilizes, supports, and protects farm income and prices), ASCS, SCS, the Forest Service (that manages the National Forest System, which contains many wetlands), and the Extension Service (Agriculture's education agency) have established a cooperative agreement for carrying out the highly erodible cropland provisions of the 1985 act under the Conservation Reserve Program.

ASCS, SCS, and the Department of the Interior's Fish and Wildlife Service (FWS) have entered into a memorandum of agreement for the purpose of implementing wildlife management agreements on lands enrolled in the Conservation Reserve Program in the Prairie Pothole Region of the United States. Also, ASCS and SCS have entered into an agreement regarding administrative responsibility, conservation planning, and technical servicing associated with the Water Bank Program authorized by the Water Bank Act, as amended, to purchase 10-year easements on wetlands and adjacent areas. In addition, Swampbuster regulations require ASCS to consult with FWS on wetlands delineations, and FWS is to report suspected Swampbuster violations to Agriculture. The Food, Agriculture, Conservation and Trade Act of 1990 requires Agriculture to work with FWS to prioritize easement acquisitions under the Wetlands Reserve Program.

COORDINATION AT THE DEPARTMENT OF THE INTERIOR

In addition to FWS' extensive involvement in the Section 404 Program, Agriculture's wetlands programs, and management of Interior's lands containing millions of acres of wetlands, several other Interior agencies manage lands containing vast acreages of wetlands and/or conduct research and education programs related to wetlands. As a result, the Secretary of the Interior has established a Working Group on Wetlands Policy--made up of a representative from each agency or bureau within Interior and from each Assistant Secretary's office--to provide policy recommendations supporting the President's no-net-loss goal for wetlands. Also, Interior's agencies and bureaus participated in various subgroups formed by the Domestic Policy Council's Inter-Agency Task Force on Wetlands to evaluate and recommend actions to achieve the President's goal of no net loss of wetlands.

Interior's FWS, Bureau of Land Management, Bureau of Reclamation, and Bureau of Indian Affairs coordinate work on projects undertaken in conjunction with the North American Waterfowl Management Plan and its joint ventures and partnerships. Several Interior agencies and bureaus, including the Bureau of Reclamation and the National Park Service, have cooperative agreements with FWS to inventory wetlands under their jurisdiction, or, in the case of the U.S. Geological Survey, to assign staff to assist FWS in its wetlands inventory mapping activities.

SECTION 10

HOW DO PRIVATE PARTIES LEARN

ABOUT WETLANDS PROGRAM REQUIREMENTS?

Landowners and other affected parties can learn about wetlands-related program requirements and regulations from a variety of sources. Field locations of the federal agencies most active in wetlands protection--the Army Corps of Engineers, the Environmental Protection Agency (EPA), the Department of Agriculture's Agricultural Stabilization and Conservation Service (ASCS) and Soil Conservation Service (SCS), the Department of the Interior's Fish and Wildlife Service (FWS), and the Department of Commerce's National Marine Fisheries Service (NMFS)--are all involved in public education efforts concerning wetlands protection. These agencies also provide local officials and citizens with specific information on their programs' scope and requirements. State offices responsible for wetlands-related programs can provide similar information. Appendixes I through VII list wetlands contacts for each of the above federal agencies and state offices.

Most of the federal agencies also provide the public with information on their programs through word of mouth, newspaper articles, and public information meetings. For example, during fiscal years 1988 through 1990, the Corps participated in 3,325 public information meetings. Another means of becoming aware of program requirements is through referrals from one agency to another. For example, if an individual constructing a project needs to obtain a state or local permit, the responsible state or local office should make the individual aware of the possible need for a section 404 permit if wetlands are involved. Additionally, some state governments have a joint permit application process through which an application for a state permit is automatically referred to the Corps at the time it is received by the state.

The Corps encourages many potential section 404 permit applicants to have a preapplication conference to discuss their proposed projects. These conferences are held to advise the potential applicants of the application review process, including the need for special studies and/or processes (environmental assessments or wetlands delineations).

FWS makes private landowners aware of assistance programs through a variety of sources, including Agriculture's county offices, farm trade journals, FWS representation at agricultural meetings, and word of mouth. Publications regarding FWS programs are distributed through field offices of both FWS and Agriculture.

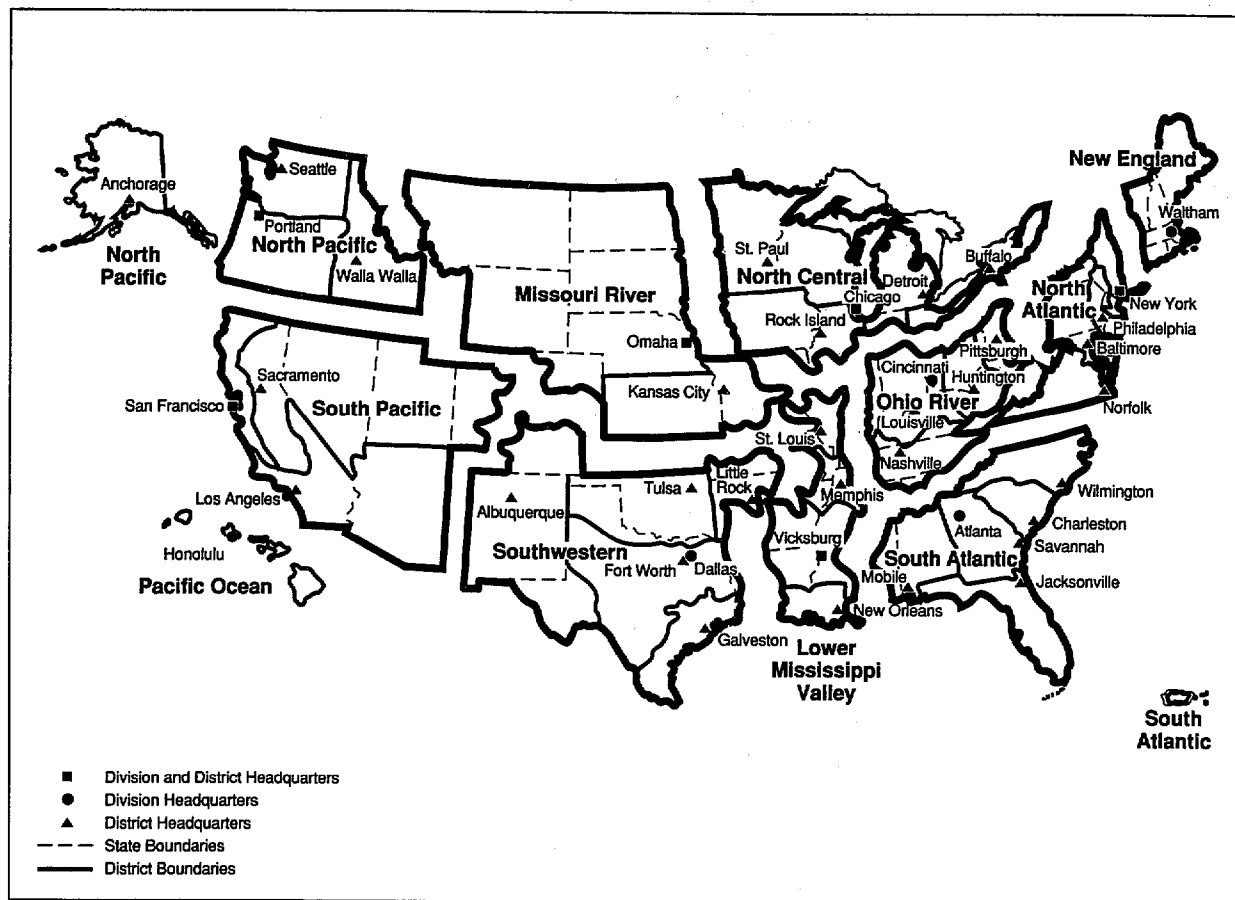
DEPARTMENT OF THE ARMY CORPS OF ENGINEERSDIVISION AND DISTRICT OFFICE WETLANDS CONTACTS

For information on the national perspective of the Section 404 Program, the contact person is

John F. Studt
Chief, Regulatory Branch
U.S. Army Corps of Engineers
20 Massachusetts Avenue NW
CECW-OR
Washington, D.C. 20314-1000
(202) 272-0199

Figure I.1 provides a breakout of Corps jurisdictional areas. Information on the Corps' wetlands regulatory program requirements can be obtained on a state-by-state basis by contacting the appropriate division or district engineer listed in table I.1.

Figure I.1: Corps of Engineers Offices



Note: In Iowa the eastern bank of the Missouri River is regulated by the Omaha office.

Source: Corps of Engineers.

Table I.1: List of Division and District Engineers

| <u>State</u> | <u>Address</u> | <u>Telephone</u> |
|--------------|---|------------------|
| Alabama | Mobile District Engineer CESAM-OP-S P.O. Box 2288 Mobile, AL 36628-0001 | (205) 690-2511 |
| Alaska | Alaska District Engineer CENPA-CO-R P.O. Box 898 Anchorage, AK 99506-0898 | (907) 753-2504 |
| Arizona | Los Angeles District Engineer CESPL-CO-R P.O. Box 2711 Los Angeles, CA 90053-2325 | (213) 894-5300 |
| Arkansas | Little Rock District Engineer CESWL-CO-P P.O. Box 867 Little Rock, AR 72203-0867 | (501) 324-5531 |
| California | Sacramento District Engineer CESPK-CO-O 650 Capitol Mall Sacramento, CA 95814-4794 | (916) 551-2005 |
| Colorado | Albuquerque District Engineer CESWA-CO-R P.O. Box 1580 Albuquerque, NM 87103-1580 | (505) 766-2732 |

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| Connecticut | New England Division Engineer CENED-OD-R 424 Trapelo Road Waltham, MA 02254-9149 | (617) 647-8220 |
| Delaware | Philadelphia District Engineer CENAP-OP-R U.S. Custom House Second and Chestnut Streets Philadelphia, PA 19106-2991 | (215) 597-4848 |
| Florida | Jacksonville District Engineer CESAJ-RD P.O. Box 4970 Jacksonville, FL 32232-0019 | (904) 791-2241 |
| Georgia | Savannah District Engineer CESAS-OP-F P.O. Box 889 Savannah, GA 31402-0889 | (912) 944-5224 |
| Hawaii | Honolulu District Engineer CEPDO-CO-O Building 230 Fort Shafter Honolulu, HI 96858-5440 | (808) 438-1060 |
| Idaho | Walla Walla District Engineer CENPW-OP-RF Building 602 City-County Airport Walla Walla, WA 99362-9265 | (509) 522-6505 |

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|-----------|---|-----------------------------|
| Illinois | Rock Island District Engineer CENCR-OD-S P.O. Box 2004 Clock Tower Building Rock Island, IL 61204-2004 | (309) 788-6361 ext. 6224 |
| Indiana | Louisville District Engineer CEORL-OR-F P.O. Box 59 Louisville, KY 40201-0059 | (502) 582-5601 |
| Iowa | Rock Island District Engineer CENCR-OD-S P.O. Box 2004 Clock Tower Building Rock Island, IL 61204-2004 | (309) 788-6361 ext. 6224 |
| Kansas | Kansas City District Engineer CEMRK-OD-P 700 Federal Building 601 East 12th Street Kansas City, MO 64106-2896 | (816) 426-3201 |
| Kentucky | Louisville District Engineer CEORL-OR-F P.O. Box 59 Louisville, KY 40201-0059 | (502) 582-5601 |
| Louisiana | New Orleans District Engineer CELMN-OD-S P.O. Box 60267 New Orleans, LA 70160-0267 | (504) 862-1121 |

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|---------------|---|----------------|
| Maine | New England Division Engineer CENED-OD-R 424 Trapelo Road Waltham, MA 02254-9149 | (617) 647-8220 |
| Maryland | Baltimore District Engineer CENAB-OP-R P.O. Box 1715 Baltimore, MD 21203-1715 | (410) 962-4545 |
| Massachusetts | New England Division Engineer CENED-OD-R 424 Trapelo Road Waltham, MA 02254-9149 | (617) 647-8220 |
| Michigan | Detroit District Engineer CENCE-CO-L P.O. Box 1027 Detroit, MI 48231-1027 | (313) 226-6762 |
| Minnesota | St. Paul District Engineer CENCS-CO-R 1421 USPO & Custom House St. Paul, MN 55101-9806 | (612) 220-0300 |
| Mississippi | Vicksburg District Engineer CELMK-OD-F P.O. Box 60 Vicksburg, MS 39180-0060 | (601) 631-5010 |
| Missouri | Kansas City District Engineer CEMRK-OD-P 700 Federal Building 601 East 12th Street Kansas City, MO 64106-2896 | (816) 426-3201 |

| | | |
|---------------|--|----------------|
| Montana | Omaha District Engineer CEMRO-OP-R P.O. Box 5 Omaha, NE 68101-0005 | (402) 221-3900 |
| Nebraska | Omaha District Engineer CEMRO-OP-R P.O. Box 5 Omaha, NE 68101-0005 | (402) 221-3900 |
| Nevada | Sacramento District Engineer CESPK-CO-O 650 Capitol Mall Sacramento, CA 95814-4794 | (916) 551-2005 |
| New Hampshire | New England Division Engineer CENED-OD-R 424 Trapelo Road Waltham, MA 02254-9149 | (617) 647-8220 |
| New Jersey | Philadelphia District Engineer CENAP-OP-R U.S. Custom House Second and Chestnut Streets Philadelphia, PA 19106-2991 | (215) 597-4848 |
| New Mexico | Albuquerque District Engineer CESWA-CO-R P.O. Box 1580 Albuquerque, NM 87103-1580 | (505) 766-2732 |
| New York | New York District Engineer CENAN-OP-R 26 Federal Plaza New York, NY 10278-0090 | (212) 264-0100 |

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|----------------|--|----------------|
| North Carolina | Wilmington District Engineer CESAW-CO-E P.O. Box 1890 Wilmington, NC 28402-1890 | (919) 343-4501 |
| North Dakota | Omaha District Engineer CEMRO-OP-R P.O. Box 5 Omaha, NE 68101-0005 | (402) 221-3900 |
| Ohio | Huntington District Engineer CEORH-OR-F 502 Eighth Street Huntington, WV 25701-2070 | (304) 529-5395 |
| Oklahoma | Tulsa District Engineer CESWT-OD-RF P.O. Box 61 Tulsa, OK 74121-0061 | (918) 581-7311 |
| Oregon | Portland District Engineer CENPP-PL-R P.O. Box 2946 Portland, OR 97208-2946 | (503) 326-6000 |
| Pennsylvania | Baltimore District Engineer CENAB-OP-R P.O. Box 1715 Baltimore, MD 21203-1715 | (410) 962-4545 |
| Rhode Island | New England Division Engineer CENED-OD-R 424 Trapelo Road Waltham, MA 02254-9149 | (617) 647-8220 |

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|----------------|---|----------------|
| South Carolina | Charleston District Engineer CESAC-CO-P P.O. Box 919 Charleston, SC 29402-0919 | (803) 724-4229 |
| South Dakota | Omaha District Engineer CEMRO-OP-R P.O. Box 5 Omaha, NE 68101-0005 | (402) 221-3900 |
| Tennessee | Nashville District Engineer CEORN-OR-F P.O. Box 1070 Nashville, TN 37202-1070 | (615) 736-5626 |
| Texas | Fort Worth District Engineer CESWF-OD-O P.O. Box 17300 Fort Worth, TX 76102-0300 | (817) 334-2300 |
| Utah | Sacramento District Engineer CESPK-CO-O 650 Capitol Mall Sacramento, CA 95814-4794 | (916) 551-2005 |
| Vermont | New England Division Engineer CENED-OD-R 424 Trapelo Road Waltham, MA 02254-9149 | (617) 647-8220 |
| Virginia | Norfolk District Engineer CENAO-OP-P 803 Front Street Norfolk, VA 23510-1096 | (804) 441-3601 |

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|---------------------------------|---|----------------|
| Washington | Seattle District Engineer CENPS-OP-RG P.O. Box C-3755 Seattle, WA 98124-2255 | (206) 764-3690 |
| West Virginia | Huntington District Engineer CEORH-OR-F 502 Eighth Street Huntington, WV 25701-2070 | (304) 529-5395 |
| Wisconsin | St. Paul District Engineer CENCS-CO-R 1421 USPO & Custom House St. Paul, MN 55101-9806 | (612) 220-0300 |
| Wyoming | Omaha District Engineer CEMRO-OP-R P.O. Box 5 Omaha, NE 68101-0005 | (402) 221-3900 |
| District of Columbia | Baltimore District Engineer CENAB-OP-R P.O. Box 1715 Baltimore, MD 21203-1715 | (410) 962-4545 |
| Pacific Territories | Honolulu District Engineer CEOPD-CO-O Building 230 Fort Shafter Honolulu, HI 96858-5440 | (808) 438-1060 |
| Puerto Rico & Virgin Islands | Jacksonville District Engineer CESAJ-RD P.O. Box 4970 Jacksonville, FL 32232-0019 | (904) 791-2241 |

ENVIRONMENTAL PROTECTION AGENCYOFFICE OF WETLANDS PROTECTIONPROGRAM OFFICE CONTACTS

Wetlands information from the Environmental Protection Agency (EPA) headquarters may be obtained by contacting the

Chief of Outreach and State Programs
Wetlands Division
U.S. EPA
401 M Street SW
Room 719, Fairchild Building
Washington, D.C. 20460
(202) 382-5043

EPA has also established a Wetlands Protection Hotline (1-800-832-7828) to respond to requests for information about the values and functions of wetlands and options for their protection.

Figure II.1 shows the boundaries of EPA's regional offices. Table II.1 provides the names and titles of regional contact persons as well as their addresses and telephone numbers.

Table II.1: List of EPA Regional Contact Persons

| <u>Region 1</u> | <u>Telephone</u> |
|--|------------------|
| Douglass Thompson, Chief U.S. EPA - Region I Wetlands Protection Section (WWP-1900) John F. Kennedy Federal Building Boston, MA 02203-1911 | (617) 565-4430 |
| <u>Region 2</u> Dan Montella, Chief U.S. EPA - Region II Wetlands Section (2WM-MWP) 26 Federal Plaza, Room 837 New York, NY 10278 | (212) 264-5170 |
| <u>Region 3</u> Barbara D'Angelo, Chief U.S. EPA - Region III Wetlands and Marine Policy Section (3ES42) 841 Chestnut Street Philadelphia, PA 19107 | (215) 597-9301 |
| <u>Region 4</u> Thomas Welborn, Chief U.S. EPA - Region IV Wetlands Unit (4WM-MEB) 345 Courtland Street NE Atlanta, GA 30365 | (404) 347-2126 |
| <u>Region 5</u> Doug Ehorn, Chief U.S. EPA - Region V Wetlands Protection Section (5WQ-TUBS-8) 230 South Dearborn Street Chicago, IL 60604 | (312) 353-2079 |
| <u>Region 6</u> Beverly Etheridge, Chief U.S. EPA - Region VI Wetlands Protection Section (6E-FT) 1445 Ross Avenue Dallas, TX 75202 | (214) 655-2260 |

Region 7

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Region 7

Diane Hershberger, Chief
U.S. EPA - Region VII
Wetlands Protection Section
726 Minnesota Avenue
Kansas City, KS 66101

(913) 236-2823

Region 8

Gene Reetz, Chief
U.S. EPA - Region VIII
Wetlands Protection Section (8WM-WQ)
999 18th Street, Suite 500
Denver Place
Denver, CO 80202-2405

(303) 293-1568

Region 9

Phil Oshida, Chief
U.S. EPA - Region IX
Wetlands Section (W-7-2)
215 Fremont Street
San Francisco, CA 94105

(415) 974-2318

Region 10

Bill Reilly, Chief
U.S. EPA - Region X
Water Resources Assessment Section (WD-138)
1200 Sixth Avenue
Seattle, WA 98101

(206) 442-1412

DEPARTMENT OF AGRICULTURESOIL CONSERVATION SERVICEPROGRAM OFFICE CONTACTS

For information on Soil Conservation Service (SCS) wetlands programs and their requirements, producers and landowners should contact

Gary A. Margheim
Deputy Chief for Programs
Soil Conservation Service
Department of Agriculture
Room 5113, South Agriculture Building
Washington, D.C. 20250
(202) 720-4527

An SCS headquarters official told us that although the SCS state conservationist will have delegated wetlands responsibilities to specific program offices within each state, initial SCS contacts regarding wetlands issues should be with the state conservationist. Table III.1 provides the name, address, and telephone number of each state conservationist.

Table III.1: List of SCS State Conservationists

| <u>State</u> | <u>Address</u> | <u>Telephone</u> |
|--------------|---|----------------------------|
| Alabama | Ernest Todd 665 Opelika Road P.O. Box 311 Auburn, AL 36830 | (205) 821-8070 ext. 535 |
| Alaska | Burton L. Clifford 201 East Ninth Avenue Suite 300 Anchorage, AK 99501-3687 | (907) 271-2424 |
| Arizona | Donald W. Gohmert 201 East Indianola Suite 200 Phoenix, AZ 85012 | (603) 640-2247 |
| Arkansas | Ronnie D. Murphy Federal Building, Room 5404 700 West Capitol Avenue Little Rock, AR 72201 | (501) 324-5445 |

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|-------------|--|----------------|
| California | Pearlie S. Reed 2121-C Second Street Davis, CA 95616 | (916) 449-2848 |
| Colorado | Duane L. Johnson 655 Parfet Street Room E200C Lakewood, CO 80215-5517 | (303) 236-2886 |
| Connecticut | Judith K. Johnson 16 Professional Park Road Storrs, CT 06268-1299 | (203) 487-4013 |
| Delaware | Elesa K. Cottrell Treadway Towers, Suite 207 9 East Loockerman Street Dover, DE 19901-7377 | (302) 678-4160 |
| Florida | Niles T. Glasgow Federal Building 401 S.E. First Avenue Room 248 Gainesville, FL 32601 | (904) 377-0946 |
| Georgia | Hershel R. Read Federal Building, Box 13 355 East Hancock Avenue Athens, GA 30601 | (404) 546-2272 |
| Guam | Joan Perry USDA - SCS Pacific Basin Office Suite 602, GCIC Building 414 West Soledad Avenue Agana, Guam 96910 | (671) 472-7490 |
| Hawaii | Warren M. Lee P.O. Box 50004 Honolulu, HI 96850 | (808) 541-2601 |
| Idaho | Paul H. Calverley 3244 Elder Street Room 124 Boise, ID 83705 | (208) 334-1601 |
| Illinois | Charles Whitmore 1902 Fox Drive Champaign, IL 61820 | (217) 398-5267 |

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|---------------|---|----------------|
| Indiana | Robert L. Eddleman 6013 Lakeside Boulevard Indianapolis, IN 46278 | (317) 290-3200 |
| Iowa | Jeffny P. Vonk 63 Federal Building 2D Walnut Street Des Moines, IA 50309 | (515) 284-4261 |
| Kansas | James N. Habiger 760 South Broadway Salina, KS 67401 | (913) 823-4565 |
| Kentucky | Billy W. Milliken 333 Waller Avenue Room 305 Lexington, KY 40504 | (606) 233-2749 |
| Louisiana | Horace J. Austin 3737 Government Street Alexandria, LA 71302 | (318) 473-7751 |
| Maine | Charles Whitmore USDA Building University of Maine Orono, ME 04473 | (207) 581-3446 |
| Maryland | Robert J. Klumpe John Hanson Business Center 339 Revell Highway, Suite 301 Annapolis, MD 21401 | (410) 757-0861 |
| Massachusetts | Richard A. Gallo 451 West Street Amherst, MA 01002 | (413) 256-0441 |
| Michigan | Homer R. Hilner Room 101 1405 South Harrison Road East Lansing, MI 48823-5202 | (517) 337-6702 |
| Minnesota | Gary R. Nordstrom 600 Farm Credit Building 375 Jackson Street St. Paul, MN 55101-1854 | (612) 290-3675 |
| Mississippi | L. Pete Heard Federal Building, Suite 1321 100 West Capitol Street Jackson, MS 39269 | (601) 965-5205 |

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|----------------|---|----------------|
| Missouri | Russell C. Mills 555 Vandiver Drive Columbia, MO 65202 | (314) 875-5214 |
| Montana | Richard J. Gooby Federal Building 10 East Babcock Street Room 443 Bozeman, MT 59715 | (406) 587-6813 |
| Nebraska | Ronald E. Moreland Federal Building 100 Centennial Mall North Room 152 Lincoln, NE 68508-3866 | (402) 437-5300 |
| Nevada | William D. Goddard 1201 Terminal Way Room 219 Reno, NV 89502 | (702) 784-5863 |
| New Hampshire | David L. Mussulman Federal Building Durham, NH 03824 | (603) 868-7581 |
| New Jersey | Barbara T. Osgood 1370 Hamilton Street Somerset, NJ 08873 | (908) 246-1662 |
| New Mexico | Ray T. Margo, Jr. 517 Gold Avenue SW Room 3301 Albuquerque, NM 87102-3157 | (505) 766-2173 |
| New York | Paul A. Dodd James M. Hanley Federal Building 100 South Clinton Street Room 771 P.O. Box 7248 Syracuse, NY 13261-7248 | (315) 423-5521 |
| North Carolina | Bobbie Jack Jones 4405 Bland Road Suite 205 Raleigh, NC 27609 | (919) 790-2888 |

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|----------------|---|----------------|
| North Dakota | Ronnie L. Clark Federal Building 220 East Rosser Avenue Room 278 P.O. Box 1458 Bismarck, ND 58502 | (701) 250-4421 |
| Ohio | Joseph C. Branco 200 North High Street Room 522 Columbus, OH 43215-2478 | (614) 469-6962 |
| Oklahoma | C. Budd Fountain USDA Agricultural Center Building Stillwater, OK 74074 | (405) 624-4360 |
| Oregon | Jack P. Kanalz Federal Building 1200 S.W. Third Avenue 16th Floor Portland, OR 97204-2822 | (503) 326-2751 |
| Pennsylvania | Richard N. Duncan Suite 340 One Credit Union Place Harrisburg, PA 17110-2993 | (717) 782-2202 |
| Caribbean Area | Humberto Hernandez ^a P.O. Box 364868 San Juan, PR 00936-4868 | (809) 766-5206 |
| Rhode Island | Robert R. Ensor ^b USDA - SCS 46 Quaker Lane Warwick, RI 02886 | (401) 828-1300 |
| South Carolina | Billy Abercrombie 1835 Assembly Street Room 950 Strom Thurmond Federal Building Columbia, SC 29201 | (803) 765-5681 |

^aTitle is Director, Caribbean Area.

^bTitle is Deputy State Conservationist.

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| | | |
|---------------|---|----------------|
| South Dakota | Ron E. Hendrick Federal Building 200 Fourth Street SW Huron, SD 57350-2475 | (605) 353-1783 |
| Tennessee | Jerry S. Lee 675 U.S. Courthouse 801 Broadway Nashville, TN 37203 | (615) 736-5471 |
| Texas | Harry W. Oneth W. R. Poage Building 101 South Main Street Temple, TX 76501-7682 | (817) 774-1214 |
| Utah | Francis T. Holt P.O. Box 11350 Salt Lake City, UT 84147-0350 | (801) 524-5050 |
| Vermont | John C. Titchner 69 Union Street Winooski, VT 05404 | (802) 951-6795 |
| Virginia | George C. Norris Federal Building 400 North Eighth Street Room 9201 Richmond, VA 23240-9999 | (804) 771-2455 |
| Washington | Lynn A. Brown West 316 Boone Avenue Suite 450 Spokane, WA 99201-2348 | (509) 353-2337 |
| West Virginia | Rollin N. Swank 75 High Street Room 301 Morgantown, WV 26505 | (304) 291-4151 |
| Wisconsin | Earl Cosby 6515 Watts Road Suite 200 Madison, WI 53719-2726 | (608) 264-5577 |
| Wyoming | Frank S. Dickson, Jr. Federal Office Building 100 East B Street Room 3124 Casper, WY 82601 | (307) 261-5201 |

DEPARTMENT OF AGRICULTUREAGRICULTURAL STABILIZATION AND CONSERVATION SERVICESTATE EXECUTIVE DIRECTOR CONTACTS

For headquarters information on Agricultural Stabilization and Conservation Service (ASCS) wetlands programs and their requirements, producers and landowners should contact

Daniel Shaw
Deputy Administrator for State
and County Operations
Agricultural Stabilization and Conservation Service
Department of Agriculture
Room 3096, South Agriculture Building
Washington, D.C. 20250
(202) 720-3175

Although a headquarters ASCS official told us that county executive directors should be the initial contact regarding wetlands questions pertaining to ASCS programs, the number of such contacts are too numerous to list in this report. We have, however, included in table IV.1 a listing of the address and telephone number of each state executive director who, in turn, should be able to provide the name, address, and telephone number of the appropriate county executive director. As an alternative, the names, addresses, and telephone numbers of county executive directors should also be available in local telephone directories.

Table IV.1: List of ASCS State Executive Directors

| <u>State</u> | <u>Address</u> | <u>Telephone</u> |
|--------------|--|------------------|
| Alabama | P.O. Box 891 Montgomery, AL 36104 | (205) 223-7256 |
| Alaska | 634 South Bailey Street Suite 102 Palmer, AK 99645 | (907) 745-7982 |
| Arizona | 201 East Indianola Suite 325 Phoenix, AZ 85012 | (602) 640-5200 |
| Arkansas | P.O. Box 2781 Little Rock, AR 72201 | (501) 378-5642 |

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| | | |
|-------------|--|----------------|
| California | 1303 J Street Suite 300 Sacramento, CA 95814 | (916) 551-1801 |
| Colorado | 655 Parfet Street Lakewood, CO 80226 | (303) 964-0200 |
| Connecticut | 88 Day Hill Road Windsor, CT 06095 | (203) 285-8483 |
| Delaware | 1201 College Park Drive Suite A Dover, DE 19901 | (302) 678-4912 |
| Florida | 401 S.E. First Avenue Second Floor, Room 261 Gainesville, FL 32602 | (904) 372-8549 |
| Georgia | P.O. Box 1907 Athens, GA 30613 | (404) 546-2266 |
| Hawaii | 300 Ala Moana Boulevard Room 4202 Honolulu, HI 96850 | (808) 541-2644 |
| Idaho | 3220 Elder Street Boise, ID 83705 | (208) 334-1706 |
| Illinois | P.O. Box 19273 Springfield, IL 62794-9273 | (217) 492-4180 |
| Indiana | 5981 Lakeside Boulevard Indianapolis, IN 46278 | (317) 290-3030 |
| Iowa | 10500 Buena Vista Court Des Moines, IA 50322 | (515) 254-1571 |
| Kansas | 2601 Anderson Avenue Manhattan, KS 66502 | (913) 539-3531 |
| Kentucky | 333 Waller Avenue Lexington, KY 40504 | (606) 233-2726 |
| Louisiana | 3737 Government Street Alexandria, LA 71302 | (318) 473-7738 |
| Maine | P.O. Box 406 Bangor, ME 04401 | (207) 942-0342 |

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|---------------|---|----------------|
| Maryland | River Center 10270B Old Columbia Road Columbia, MD 21046 | (410) 381-4550 |
| Massachusetts | 445 West Street Amherst, MA 01002 | (413) 256-0232 |
| Michigan | 1405 South Harrison Road Room 116 East Lansing, MI 48823 | (517) 337-6659 |
| Minnesota | 375 Jackson Street 400 Farm Credit Service Building St. Paul, MN 55101 | (612) 290-3651 |
| Mississippi | 6310 I-55 North Farm Bureau R107W Jackson, MS 39211 | (601) 965-4300 |
| Missouri | 555 Vandiver Drive Columbia, MO 65202 | (314) 875-5201 |
| Montana | 10 East Babcock USPO & Federal Building Bozeman, MT 59715 | (406) 587-6872 |
| Nebraska | P.O. Box 57975 Lincoln, NE 68510 | (402) 437-5581 |
| Nevada | 1755 East Plumb Lane Suite 202 Reno, NV 89502 | (702) 784-5411 |
| New Hampshire | P.O. Box 1398 Concord, NH 03301 | (603) 224-7941 |
| New Jersey | 163 Route 130, Building 1 Suite E Bordentown, NJ 08505 | (609) 298-3446 |
| New Mexico | 517 Gold Avenue SW Room 4408 Albuquerque, NM 87102 | (505) 766-2472 |
| New York | 100 South Clinton Room 811 Syracuse, NY 13260 | (315) 423-5176 |

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| | | |
|----------------|---|----------------|
| North Carolina | P.O. Box 27611 Raleigh, NC 27609 | (919) 790-2960 |
| North Dakota | P.O. Box 3046 Fargo, ND 58103 | (701) 239-5224 |
| Ohio | 200 North High Street Room 540 Columbus, OH 43215 | (614) 469-6735 |
| Oklahoma | USDA Agricultural Center Building Farm Road and Orchard Stillwater, OK 74074 | (405) 624-4110 |
| Oregon | 1220 S.W. Third Avenue Room 1524 Portland, OR 97204 | (503) 326-2741 |
| Pennsylvania | 1 Credit Union Place Suite 320 Harrisburg, PA 17110 | (717) 782-4498 |
| Puerto Rico | 1607 Ponce de Leon Avenue Santurce, PR 00909 | (809) 729-6813 |
| Rhode Island | 40 Quaker Lane Alderic Complex West Warwick, RI 02893 | (401) 828-8232 |
| South Carolina | 1835 Assembly Street Room 909 Columbia, SC 29201 | (803) 765-5186 |
| South Dakota | 200 Fourth Street SW Federal Building, Room 208 Huron, SD 57350 | (605) 353-1092 |
| Tennessee | 801 Broadway U.S. Courthouse Room 579 Nashville, TN 37203 | (615) 736-5555 |
| Texas | 2405 Texas Avenue South College Station, TX 77840 | (409) 260-9207 |
| Utah | 125 South State Street Room 4239 Salt Lake City, UT 84147 | (801) 524-5013 |

APPENDIX IV

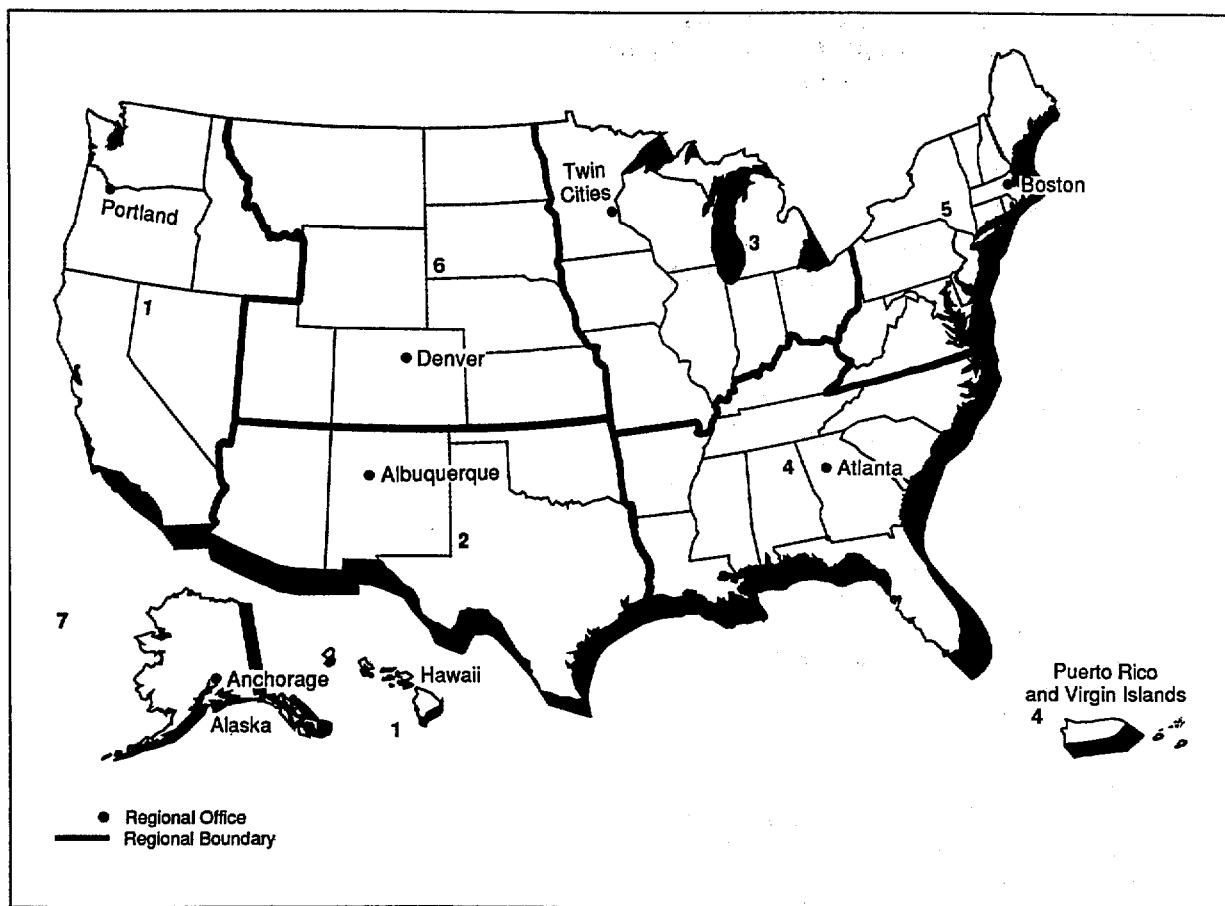
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| | | |
|----------------|--|----------------|
| Vermont | 346 Shelburne Executive Square Building Burlington, VT 05401 | (802) 658-2803 |
| Virginia | 400 North Eighth Street G-500 Richmond, VA 23240 | (804) 771-2581 |
| Virgin Islands | 1607 Ponce de Leon Avenue Santurce, PR 00909 | (809) 729-6902 |
| Washington | West 316 Boone, Suite 568 Rocke Point Tower Spokane, WA 99201-2350 | (509) 353-2307 |
| West Virginia | 75 High Street, Second Floor Room 239 Morgantown, WV 26505 | (304) 291-4351 |
| Wisconsin | 6515 Watts Road Madison, WI 53719 | (608) 264-5301 |
| Wyoming | P.O. Box 920 Casper, WY 82601 | (307) 261-5853 |

DEPARTMENT OF THE INTERIORFISH AND WILDLIFE SERVICEREGIONAL OFFICES AND PROGRAM OFFICE CONTACTS

The following map shows the location and boundaries of the Fish and Wildlife Service's (FWS) regional offices. Table V.1 lists the contacts for FWS' wetlands-related activities.

Figure V.1: FWS Regions



Source: Prepared by GAO using original from FWS.

Table V:1: List of FWS Program Office Contacts

Regional Director (Region 1)
U.S. Fish and Wildlife Service
911 N.E. 11th Avenue
Portland, OR 97232-4181
(503) 231-6159

Region 1 Jurisdictions
California, Hawaii, Idaho,
Nevada, Oregon, Washington,
American Samoa, Commonwealth
of the Northern Mariana
Islands, Guam, and the
Pacific Trust Territories

Field Supervisor
U.S. Fish and Wildlife Service
4696 Overland Road, Room 576
Boise, ID 83705
(208) 334-1931

Field Supervisor
U.S. Fish and Wildlife Service
Federal Building, 24000 Avila Road
Laguna Niguel, CA 92677
(714) 643-4270

Supervisory Biologist
Fisheries Assistance Office
U.S. Fish and Wildlife Service
Marrowstone, Nordland, WA 98358
(206) 385-1007

Field Supervisor
U.S. Fish and Wildlife Service
3704 Griffin Lane, Suite 102
Olympia, WA 98501-2192
(206) 753-9440

Supervisory Biologist
U.S. Fish and Wildlife Service
Great Basin Complex
4600 Kietzke Lane, Suite C
Reno, NV 89502
(702) 784-5227

Field Supervisor
U.S. Fish and Wildlife Service
2140 Eastman Avenue, Suite 100
Ventura, CA 93003
(805) 644-1766

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Field Supervisor
U.S. Fish and Wildlife Service
300 Ala Moana Boulevard, Room 6307
P.O. Box 50167
Honolulu, HI 96850
(808) 541-2749

Supervisory Biologist
U.S. Fish and Wildlife Service
P.O. Box 174
Lewistown, CA 96052
(916) 778-3536

Supervisory Biologist
U.S. Fish and Wildlife Service
P.O. Box 1157
Moses Lake, WA 98837
(509) 765-6125

Field Supervisor
U.S. Fish and Wildlife Service
2600 S.E. 98th Avenue, Suite 100
Portland, OR 97266
(503) 231-6179

Field Supervisor
U.S. Fish and Wildlife Service
2800 Cottage Way, Room E-1803
Sacramento, CA 95825
(916) 978-4613

Regional Director (Region 2)
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103
(505) 766-2324

Region 2 Jurisdictions
Arizona, New Mexico,
Oklahoma, and Texas

Field Supervisor
U.S. Fish and Wildlife Service
3530 Pan Am Highway NE, Suite D
Albuquerque, NM 87107
(505) 883-7877

Field Supervisor
U.S. Fish and Wildlife Service
Stadium Centre Building
711 Stadium Street, Suite 252
Arlington, TX 76011
(817) 885-7830

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Field Supervisor
U.S. Fish and Wildlife Service
3616 West Thomas Road, Suite 6
Phoenix, AZ 85019
(602) 241-2493

Field Supervisor
U.S. Fish and Wildlife Service
Corpus Christi State University
Campus Box 338, 6300 Ocean Drive
Corpus Christi, TX 78412
(512) 888-3346

Field Supervisor
U.S. Fish and Wildlife Service
17629 El Camino Real, Suite 211
Clear Lake, TX 77058
(713) 229-3681

Field Supervisor
U.S. Fish and Wildlife Service
222 South Houston, Suite A
Tulsa, OK 74127
(918) 581-7458

Regional Director (Region 3)
U.S. Fish and Wildlife Service
Federal Building, Fort Snelling
Twin Cities, MN 55111
(612) 725-3510

Region 3 Jurisdictions
Illinois, Indiana, Iowa,
Michigan, Minnesota,
Missouri, Ohio, and
Wisconsin

Field Supervisor
U.S. Fish and Wildlife Service
718 North Walnut Street
Bloomington, IN 47401
(812) 334-4261

Field Supervisor
U.S. Fish and Wildlife Service
301 Manly Miles Building
1405 South Harrison Road
East Lansing, MI 48823
(517) 337-6650

Field Supervisor
U.S. Fish and Wildlife Service
6950-H Americana Parkway
Reynoldsburg, OH 43068
(614) 469-6923

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Field Supervisor
U.S. Fish and Wildlife Service
Route 3, Box 328
Marion, IL 62959
(618) 997-5491

Program Manager
U.S. Fish and Wildlife Service
Environmental Management Technical Center
575 Lester Drive
Onalaska, WI 54650
(608) 783-7550

Field Supervisor
U.S. Fish and Wildlife Service
608 East Cherry, P.O. Box 1506
Columbia, MO 65205
(314) 876-1911

Field Supervisor
U.S. Fish and Wildlife Service
1015 Challenger Court
Green Bay, WI 54311
(414) 433-3803

Field Supervisor
U.S. Fish and Wildlife Service
4469 48th Avenue Court
Rock Island, IL 61201-9213
(309) 793-5800

Field Supervisor
U.S. Fish and Wildlife Service
4101 East 80th Street, Suite 50
Twin Cities, MN 55425-1600
(612) 725-3548

Regional Director (Region 4)
U.S. Fish and Wildlife Service
Richard B. Russell Federal Building
75 Spring Street SW, Suite 1276
Atlanta, GA 30303
(404) 331-6343

Field Supervisor
U.S. Fish and Wildlife Service
100 Otis Avenue, Room 224
Asheville, NC 28801
(704) 259-0321

Region 4 Jurisdictions
Alabama, Arkansas, Florida,
Georgia, Kentucky,
Louisiana, Mississippi,
North Carolina,
South Carolina, Tennessee,
Puerto Rico, and the U.S.
Virgin Islands

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Field Supervisor
U.S. Fish and Wildlife Service
801 Gloucester Street, Room 334
Brunswick, GA 31520
(912) 265-9336

Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 845
Cookeville, TN 38503
(615) 528-6481

Field Supervisor
U.S. Fish and Wildlife Service
Jackson Mall Office Center
300 Woodrow Wilson Avenue
Jackson, MS 39213
(601) 965-4900

Field Supervisor
U.S. Fish and Wildlife Service
825 Kaliste Saloom
Brandywine II, Suite 102
Lafayette, LA 70502
(318) 234-7478

Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 491
Boqueron, PR 00622
(809) 851-7297

Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 12559
Charleston, SC 29412
(803) 724-4707

Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 1190
Highway 98, Daphne East Plaza
Daphne, AL 36526
(205) 690-2181

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Field Supervisor
U.S. Fish and Wildlife Service
3100 University Boulevard, South
Suite 120
Jacksonville, FL 32216-2737
(904) 791-2580

Field Supervisor
U.S. Fish and Wildlife Service
1612 June Avenue
Panama City, FL 32405-3721
(904) 769-0555

Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636-3726
(919) 755-4520

Field Supervisor
U.S. Fish and Wildlife Service
900 Clay Street, Room 235
Vicksburg, MS 39180
(601) 638-1891

Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 2676
Vero Beach, FL 32961-2676
(305) 562-3909

Regional Director (Region 5)
U.S. Fish and Wildlife Service
One Gateway Center, Suite 700
Newton Corner, MA 02158
(617) 965-9217

Assistant Field Supervisor
U.S. Fish and Wildlife Service
927 North Main Street, Building D-1
Pleasantville, NJ 08232
(609) 646-0620

Region 5 Jurisdictions
Connecticut, Delaware,
District of Columbia, Maine,
Maryland, Massachusetts,
New Hampshire, New Jersey,
New York, Pennsylvania,
Rhode Island, Vermont,
Virginia, and West Virginia

Field Supervisor
U.S. Fish and Wildlife Service
Ralph Pill Marketplace, Fourth Floor
22 Bridge Street, Junction I-93
Concord, NH 03301-4901
(603) 225-1411

Assistant Field Supervisor
U.S. Fish and Wildlife Service
P.O. Box 1278
Elkins, WV 26241
(304) 636-6586

Field Supervisor
U.S. Fish and Wildlife Service
315 South Allen, Suite 322
State College, PA 16801
(814) 234-4090

Field Supervisor
U.S. Fish and Wildlife Service
1825-B Virginia Street
Annapolis, MD 21401
(410) 269-5448

Field Supervisor
U.S. Fish and Wildlife Service
100 Grange Place, Room 202
Cortland, NY 13045
(607) 753-9334

Field Supervisor
U.S. Fish and Wildlife Service
USDA Building, Room 214
University of Maine
Orono, ME 04469
(207) 581-3674

Biologist in Charge
U.S. Fish and Wildlife Service
P.O. Box 480
Mid-County Center, U.S. Route 17
White Marsh, VA 23183
(804) 693-6694

Supplemental Offices:

Chesapeake Bay Field Office
U.S. Fish and Wildlife Service
180 Admiral Cochrane Drive, Suite 535
Annapolis, MD 21401
(410) 224-2732

Delaware Bay Field Office
U.S. Fish and Wildlife Service
R.D. 1, Box 146-A
Smyrna, DE 19977
(302) 653-9152

Regional Director (Region 6)
U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80225
(303) 236-8189

Region 6 Jurisdictions
Colorado, Kansas, Montana,
Nebraska, North Dakota,
South Dakota, Utah, and
Wyoming

Field Supervisor
U.S. Fish and Wildlife Service
1501 14th Street West, Suite 230
Billings, MT 59102
(406) 657-6750

Project Leader
U.S. Fish and Wildlife Service
2617 East Lincolnway, Suite A
Cheyenne, WY 82001
(307) 772-2374

Project Leader
U.S. Fish and Wildlife Service
529 25 1/2 Road, Suite B-113
Independence Plaza
Grand Junction, CO 81501
(303) 243-0348

State Supervisor
U.S. Fish and Wildlife Service
315 Houston Street, Suite E
Manhattan, KS 66502
(913) 532-7320

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State Supervisor
U.S. Fish and Wildlife Service
P.O. Box 986, 227 Federal Building
225 South Pierre
Pierre, SD 57501
(605) 224-8693

Field Supervisor
U.S. Fish and Wildlife Service
301 South Park, P.O. Box 1003
Helena, MT 59626-0023
(406) 449-5322

Field Supervisor
U.S. Fish and Wildlife Service
1500 Capital Avenue
Bismarck, ND 58501
(701) 255-4011

Field Supervisor
U.S. Fish and Wildlife Service
203 West Second Street
Federal Building, Second Floor
Grand Island, NE 68803
(308) 381-5571

State Supervisor
U.S. Fish and Wildlife Service
730 Simms Street, Suite 290
Golden, CO 80401
(303) 231-5280

Grizzly Bear Recovery Coordinator
U.S. Fish and Wildlife Service
NS 312
University of Montana
Missoula, MT 59812
(406) 329-3223

Field Supervisor
U.S. Fish and Wildlife Service
2060 Administration Building
1745 West, 1700 South
Salt Lake City, UT 84104-5110
(801) 524-4430

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Regional Director (Region 7)
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503
(907) 786-3522

Field Supervisor
U.S. Fish and Wildlife Service
605 West Fourth Avenue, Room G62
Anchorage, AK 99501
(907) 271-2788

Field Supervisor
U.S. Fish and Wildlife Service
Federal Building, Room 417
P.O. Box 021287
Juneau, AK 99802
(907) 586-7240

Biologist in Charge
U.S. Fish and Wildlife Service
329 Harbor Drive, Room 207
Sitka, AK 99835-7538
(907) 747-8882

Field Supervisor
U.S. Fish and Wildlife Service
101 12th Avenue, Box 20, Room 232
Fairbanks, AK 99701
(907) 456-0203

Biologist in Charge
U.S. Fish and Wildlife Service
103 Main Street
P.O. Box 3193
Ketchikan, AK 99901
(907) 225-9691

Biologist in Charge
U.S. Fish and Wildlife Service
P.O. Box 1108
Petersburg, AK 99833
(907) 772-3866

Region 7 Jurisdiction
Alaska

DEPARTMENT OF COMMERCE
NATIONAL MARINE FISHERIES SERVICE
PROGRAM OFFICE CONTACTS

Wetlands information from the National Marine Fisheries Service (NMFS) headquarters may be obtained by contacting the

Chief, Habitat Policy and Conservation Division
 National Marine Fisheries Service
 1335 East-West Highway
 Silver Spring, MD 20910
 (301) 427-2325

Table VI.1 provides the names, addresses, and telephone numbers of NMFS regional directors.

Table VI.1: List of NMFS Regional Directors

| <u>Alaska Region</u> | <u>Telephone</u> |
|---|------------------|
| Steven Pennoyer, Director 709 West Ninth Street Federal Building, Room 453 Juneau, AK 99802 | (907) 586-7221 |
| <u>Northwest Region</u> Rolland A. Schmitten, Director 7600 Sand Point Way, NE BIN C15700 - Building 1 Seattle, WA 98115-0070 | (206) 526-6150 |
| <u>Northeast Region</u> Richard B. Roe, Director One Blackburn Drive Gloucester, MA 01930 | (508) 281-9300 |
| <u>Southeast Region</u> Dr. Andrew J. Kemmerer, Director 9450 Koger Boulevard, Room 206 St. Petersburg, FL 33702 | (813) 893-3141 |
| <u>Southwest Region</u> E. Charles Fullerton, Director 300 South Ferry Street, Room 2005 Terminal Island, CA 90731-7415 | (213) 514-6197 |

STATE AGENCY WETLANDS CONTACTS

This appendix provides a listing of state officials who are knowledgeable about wetlands-related programs.

ALABAMA

Richard Hulcher
Water Quality Branch
Water Division
1751 Congressman W.L. Dickinson Drive
Montgomery, AL 36130
(205) 271-7782

ALASKA

Doug Redburn, Chief
Office of Water Quality Management
P.O. Box O
Juneau, AK 99811
(907) 465-2653

ARIZONA

Sue Monroe, Project Specialist
Non Point Source Unit
Office of Water Quality
2655 East Magnolia
Phoenix, AZ 85034
(602) 392-4069

ARKANSAS

Steve Drown, Program Coordinator
Water Division
Department of Pollution Control and Ecology
P.O. Box 8913
Little Rock, AR 72219
(501) 562-7444

CALIFORNIA

Peter R. Douglas, Executive Director
Coastal Commission
Resources Agency
631 Howard Street, Fourth Floor
San Francisco, CA 94105
(415) 904-5200

COLORADO

Don Smith, Wildlife Program Specialist
Habitat Resources Section
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216
(303) 291-7266

CONNECTICUT

Tom Morrissey, Director
Water Resources Unit, Environmental Quality Department
Department of Environmental Protection
165 Capitol Avenue
Hartford, CT 06106
(203) 566-7220

DELAWARE

William F. Moyer, Environmental Program Manager
Water Resources - Wetlands and Aquatic Branch
Department of Natural Resources and Environmental Control
89 Kings Highway, P.O. Box 1401
Dover, DE 19903
(302) 739-4691

FLORIDA

Janet Llewellyn, Chief
Bureau of Wetland Resources Management
Division of Water Management
2600 Twin Tower Office Building
Tallahassee, FL 32399-2400
(904) 488-0130

GEORGIA

David Word, Branch Chief
Water Protection Branch
Department of Natural Resources
205 Butler Street SW, Room 1058
Atlanta, GA 30334
(404) 656-4708

HAWAII

Douglas Tom, Program Manager
Coastal Zone Management Program
Office of State Planning
State Capitol
Honolulu, HI 96813
(808) 548-3026

IDAHO

Steve Bower
Water Quality Bureau
Department of Health and Welfare
450 West State Street
Boise, ID 83720
(208) 334-5860

ILLINOIS

Ed Hoffman
Planning Division
Department of Conservation
524 South Second Street
Springfield, IL 62701-1787
(217) 782-3715

INDIANA

John Winters
Water Quality Section
Office of Water Management
5500 West Bradbury
Indianapolis, IN 46225
(317) 243-5028

IOWA

Susan Millard, Environmental Specialist
Surface and Groundwater Protection Bureau
Environmental Protection Division
Wallace State Office Building
Des Moines, IA 50319
(515) 281-8045

KANSAS

Ron Fox, Chief
Bureau of Environmental Quality
Division of Environment
Building 740, Forbes Field
Topeka, KS 66620
(913) 296-0077

KENTUCKY

Don Walker, Principal Environmental Biologist
Water Quality Branch
Division of Water
18 Reilly Road, Fort Boone Plaza
Frankfort, KY 40601
(502) 564-3410

LOUISIANA

Darryl Clark, Manager
Coastal Wetlands Section
Coastal Management Division
Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA 70804
(504) 342-7591

MAINE

Donald T. Witherill, Wetlands Coordinator
Land Quality Control Bureau
Environmental Protection Department
State House Station 17
Augusta, ME 04333
(207) 289-2111

MARYLAND

Charles A. Wheeler, Program Director
Wetlands and Waterways Program
Water Resources Administration
Department of Natural Resources
Tawes State Office Building
Annapolis, MD 21401
(410) 974-3877

MASSACHUSETTS

Christy Foote-Smith, Director
Division of Wetlands and Waterways Regulation
Department of Environmental Protection
1 Winter Street
Boston, MA 02108
(617) 292-5695

MICHIGAN

Steve Sadewasser, Lead Worker
Wetland Protection Unit
Land and Water Management Division
P.O. Box 30028
Lansing, MI 48909
(517) 373-8000

MINNESOTA

Greg Larson, Wetlands Program Manager
State Board of Water and Soil Resources
Division of Waters
155 South Wabasha Street, Suite 104
St. Paul, MN 55107
(612) 296-0882

MISSISSIPPI

Robert Seyfarth, Chief
Water Quality Management Branch
Office of Pollution Control
P.O. Box 10385
Jackson, MS 39289-0385
(601) 961-5171

MISSOURI

Charles Stieffermann, Director
Water Pollution Control Program
Environmental Quality Division
P.O. Box 176
Jefferson City, MO 65102
(314) 751-1300

MONTANA

Loren L. Bahls, Supervisor
Ecosystems Management Section
Water Quality Bureau
Cogswell Building
Helena, MT 59620
(406) 444-2406

NEBRASKA

Steve Walker, Supervisor
Surface Water Section
Water Quality Division
P.O. Box 98922
Lincoln, NE 68509
(402) 471-4700

NEVADA

Jim Cooper, Supervisor
Planning and Standards Branch
Bureau of Water Quality Planning
Capitol Complex, 123 West Nye Lane
Carson City, NV 89710
(702) 687-4670

NEW HAMPSHIRE

Delbert F. Downing, Director
Water Management Bureau
Water Resources Division
P.O. Box 2008
Concord, NH 03302-2008
(603) 271-2147

NEW JERSEY

John Weingart, Assistant Commissioner
Environmental Regulation
CN 401
Trenton, NJ 08625
(609) 292-2795

NEW MEXICO

Doug Jones, Water Resource Specialist
Ground Water Section
New Mexico Environment Department
1190 Saint Francis Drive
Santa Fe, NM 87504
(505) 827-2903

NEW YORK

Patricia Riexinger, Manager
Wetlands Program
Division of Fish and Wildlife
50 Wolf Road
Albany, NY 12233
(518) 457-9713

NORTH CAROLINA

Steve Leonard, Section Chief
Wetlands Section
Division of Soil and Water Conservation
P.O. Box 27687
Raleigh, NC 27611
(919) 733-2302

NORTH DAKOTA

David A. Sprynczynatyk, Secretary
Water Commission
State Office Building, 900 East Boulevard
Bismarck, ND 58505
(701) 224-4940

OHIO

Dave Bergman, Administrator
Environmental Review
Department of Natural Resources
Fountain Square, Building C-4
Columbus, OH 43224
(614) 265-6410

OKLAHOMA

Ben Pollard, Assistant Director
Oklahoma Conservation Commission
2800 North Lincoln Boulevard, Suite 160
Oklahoma City, OK 73105
(405) 521-2384

OREGON

Ken Bierly, Wetlands Manager
Division of State Lands
775 Summer Street NE
Salem, OR 97310
(503) 378-3805

PENNSYLVANIA

Roger P. Fickes, Chief
Rivers and Wetlands Conservation Division
Bureau of Water Resources Management
P.O. Box 8761
Harrisburg, PA 17105-8761
(717) 541-7802

RHODE ISLAND

Dean Albro, Chief
Wetlands Section
Division of Freshwater Wetlands
291 Promenade Street
Providence, RI 02908
(401) 277-6820

SOUTH CAROLINA

Barbara Postles, Planner
Surface Water Division
Water Resources Commission
1201 Main Street, Suite 1100
Columbia, SC 29201
(803) 737-0800

SOUTH DAKOTA

Duane Murphy, Senior Scientist
Division of Water Resources Management
Department of Environment and Natural Resources
Joe Foss Building, 523 East Capitol Avenue
Pierre, SD 57501-3181
(605) 773-4216

TENNESSEE

Bill Duffel, Manager
Natural Resources Section
Division of Water Pollution Control
Seventh Floor, TERRA Building,
150 Ninth Avenue, North
Nashville, TN 37243
(615) 741-7883

TEXAS

Tom Calnan, Biologist
Coastal Division of Resource Management and Development
General Land Office
1700 North Congress
Austin, TX 78701
(512) 463-5100

UTAH

Mike Reichert, Manager
Water Quality Management Section
Division of Water Quality
State of Utah, Department of Environmental Quality
Salt Lake City, UT 84114-4870
(801) 538-6146

VERMONT

Carl Pagel, Coordinator
Wetlands Program
Division of Water Quality
10 North Building, Second Floor, 103 South Main Street
Waterbury, VT 05671-0408
(802) 244-6951

VIRGINIA

William Pruitt, Commissioner
Marine Resources Commission
P.O. Box 756
Newport News, VA 23607
(804) 247-2200

WASHINGTON

Rod Mack, Manager
Shorelands and Coastal Zone Management Program
Water and Shorelands
MS PV-11
Olympia, WA 98504
(206) 459-6777

WEST VIRGINIA

William D. Brannon, Assistant Chief
Program Management and Technical Support
Water Resources Section
1201 Greenbrier Street
Charleston, WV 25311
(304) 348-2108

WISCONSIN

Mike Dresen, Wetlands Protection Policy Coordinator
Water Regulation and Zoning Bureau
Enforcement Division
P.O. Box 7921
Madison, WI 53707
(608) 266-8032

WYOMING

Bill DiRienzo, Program Planning Analyst
Water Quality Division
Department of Environmental Quality
Herschler Building, 4 West
Cheyenne, WY 82002
(307) 777-7781

Source: The Council of State Governments, Resource Guide to State Environmental Management, 1990. Information updated by GAO to August 1991.

ESTIMATES OF WETLANDS
PRESENT IN COLONIAL AMERICA

AND IN THE 1980s

| <u>State</u> | <u>Acres</u> | | <u>Percent of wetlands lost</u> |
|----------------|---|---|---|
| | <u>Estimates of original wetlands 1780s</u> | <u>Estimates of existing wetlands 1980s</u> | |
| Alabama | 7,567,600 | 3,783,800 | 50.0 |
| Arizona | 931,000 | 600,000 | 36.0 |
| Arkansas | 9,848,600 | 2,763,600 | 72.0 |
| California | 5,000,000 | 454,000 | 91.0 |
| Colorado | 2,000,000 | 1,000,000 | 50.0 |
| Connecticut | 670,000 | 172,500 | 74.0 |
| Delaware | 479,785 | 223,000 | 54.0 |
| Florida | 20,325,013 | 11,038,300 | 46.0 |
| Georgia | 6,843,200 | 5,298,200 | 23.0 |
| Idaho | 877,000 | 385,700 | 56.0 |
| Illinois | 8,212,000 | 1,254,500 | 85.0 |
| Indiana | 5,600,000 | 750,633 | 87.0 |
| Iowa | 4,000,000 | 421,900 | 89.0 |
| Kansas | 841,000 | 435,400 | 48.0 |
| Kentucky | 1,566,000 | 300,000 | 81.0 |
| Louisiana | 16,194,500 | 8,784,200 | 46.0 |
| Maine | 6,460,000 | 5,199,200 | 20.0 |
| Maryland | 1,650,000 | 440,000 | 73.0 |
| Massachusetts | 818,000 | 588,486 | 28.0 |
| Michigan | 11,200,000 | 5,583,400 | 50.0 |
| Minnesota | 15,070,000 | 8,700,000 | 42.0 |
| Mississippi | 9,872,000 | 4,067,000 | 59.0 |
| Missouri | 4,844,000 | 643,000 | 87.0 |
| Montana | 1,147,000 | 840,300 | 27.0 |
| Nebraska | 2,910,500 | 1,905,500 | 35.0 |
| Nevada | 487,350 | 236,350 | 52.0 |
| New Hampshire | 220,000 | 200,000 | 09.0 |
| New Jersey | 1,500,000 | 915,960 | 39.0 |
| New Mexico | 720,000 | 481,900 | 33.0 |
| New York | 2,562,000 | 1,025,000 | 60.0 |
| North Carolina | 11,089,500 | 5,689,500 | 49.0 |
| North Dakota | 4,927,500 | 2,490,000 | 49.0 |
| Ohio | 5,000,000 | 482,800 | 90.0 |
| Oklahoma | 2,842,600 | 949,700 | 67.0 |
| Oregon | 2,262,000 | 1,393,900 | 38.0 |
| Pennsylvania | 1,127,000 | 499,014 | 56.0 |
| Rhode Island | 102,690 | 65,154 | 37.0 |

APPENDIX VIII

APPENDIX VIII

| | | | |
|-------------------|--------------------|--------------------|-------------|
| South Carolina | 6,414,000 | 4,659,000 | 27.0 |
| South Dakota | 2,735,100 | 1,780,000 | 35.0 |
| Tennessee | 1,937,000 | 787,000 | 59.0 |
| Texas | 15,999,700 | 7,612,412 | 52.0 |
| Utah | 802,000 | 558,000 | 30.0 |
| Vermont | 341,000 | 220,000 | 35.0 |
| Virginia | 1,849,000 | 1,074,613 | 42.0 |
| Washington | 1,350,000 | 938,000 | 31.0 |
| West Virginia | 134,000 | 102,000 | 24.0 |
| Wisconsin | 9,800,000 | 5,331,392 | 46.0 |
| Wyoming | <u>2,000,000</u> | <u>1,250,000</u> | <u>38.0</u> |
| Subtotal | | | |
| (Contiguous U.S.) | <u>221,129,638</u> | <u>104,374,314</u> | 53.0 |
| Alaska | 170,200,000 | 170,000,000 | 0.1 |
| Hawaii | <u>58,800</u> | <u>51,800</u> | 12.0 |
| Total | <u>391,388,438</u> | <u>274,426,114</u> | 30.0 |

Source: T.E. Dahl, Wetlands Losses in the United States: 1780s to 1980s, U.S. Department of the Interior, Fish and Wildlife Service (Washington, D.C.: 1990), 13 pages.

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